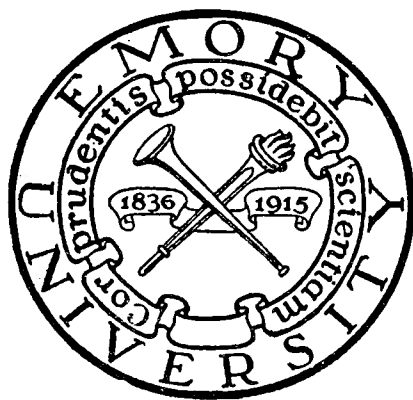


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JOURNAL
OF THE
SENATE
OF THE
STATE OF GEORGIA.

WEDNESDY, NOVEMBER 2d, 1879.

- From the county of Burke, the Hon. John R. Sturges.
 From the county of Butts, the Hon. John N. Byars.
 From the county of Calhoun, the Hon. William E. Haven.
 From the county of Campbell, the Hon. S. L. Taylor.
 From the county of Camden, the Hon. A. S. Atkinson.
 From the county of Cass, the Hon. Mary Johnson.
 From the county of Charlton, the Hon. T. W. W. Butler.
 From the county of Chatham, the Hon. William S. Johnson.
 From the county of Chatham, the Hon. Alexander R. Lawton.
 From the county of Cherokee, the Hon. T. J. Higginower.
 From the county of Clarke, the Hon. John Billups.
 From the county of Clayton, the Hon. J. F. Johnson.
 From the county of Clay, the Hon. S. P. Burnett.
 From the county of Clinch, the Hon. David J. Sirman.
 From the county of Cobb, the Hon. John O. Garrett.
 From the county of Coffee, the Hon. Mark Lee.
 From the county of Columbia, the Hon. M. C. Lawton.
 From the county of Colquitt, the Hon. John Tillman.
 From the county of Coweta, the Hon. G. O. Wind.
 From the county of Crawford, the Hon. Charles W. Walker.
 From the county of Carroll, the Hon. H. F. Merrill.
 From the county of Catoosa, the Hon. A. T. Hackett.
 From the county of Chattooga, the Hon. F. A. Kirby.
 From the county of Chattooga, the Hon. A. H. Davis.
 From the county of Dawson, the Hon. John L. Summerour.
 From the county of Decatur, the Hon. William Chester.
 From the county of DeKalb, the Hon. Samuel F. Alexander.
 From the county of Dougherty, the Hon. A. E. Harris.
 From the county of Dooly, the Hon. William F. Brown.
 From the county of Early, the Hon. R. H. Robinson.
 From the county of Echols, the Hon. James Carter.
 From the county of Effingham, the Hon. Thom. R. Hines.
 From the county of Elbert, the Hon. James M. Carter.
 From the county of Fannin, the J. D. Hyde.
 From the county of Fayette, the Hon. D. D. Denham.
 From the county of Floyd, the Hon. Daniel P. Priatur.
 From the county of Forsyth, the Hon. A. G. Hutchins.
 From the county of Franklin, the Hon. Thomas Morris.
 From the county of Fulton, the Hon. John Collier.
 From the county of Gilmer, the Hon. B. B. Quillian.
 From the county of Glascock, the Hon. Joshua F. Ursery.
 From the county of Greene, the Hon. Roan H. Ward.

From the county of Gwinnett, the Hon. M. L. Lenior.

From the county of Glynn, the Hon. Thomas Butler King.

From the county of Gordon, the Hon. James Shellnut.

From the county of Habersham, the Hon. Burrell Ivey.

From the county of Hall, the Hon. Andrew J. Poole.

From the county of Hancock, the Hon. T. J. Smith.

From the county of Haralson, the Hon. Alfred H. Greene.

From the county of Hart, the Hon. F. G. Stowers.

From the county of Henry, the Hon. Andrew J. Cloud.

From the county of Houston, the Hon. Edmund J. McGee.

From the county of Harris, the Hon. E. C. Hood.

From the county of Heard, the Hon. Benjamin Oliver.

From the county of Irwin, the Hon. George Young.

From the county of Jackson, the Hon. A. Delapierie.

From the county of Jasper, the Hon. George T. Bartlett.

From the county of Jefferson, the Hon. Andrew E. Tarver.

From the county of Johnson, the Hon. John Snell.

From the county of Jones, the Hon. Nathaniel S. Glover

From the county of Lee, the Hon. John Batts.

From the county of Liberty, the Hon. Z. L. Boggs.

From the county of Lincoln, the Hon. E. Lockhart.

From the county of Lumpkin, the Hon. H. W. Riley.

From the county of Madison, the Hon. R. E. Hitchcock.

From the county of Macon, the Hon. Philip Cook.

From the county of McIntosh, the Hon. Randolph Spalding.

From the county of Merriwether, the Hon. George A. Hall.

From the county of Milton, the Hon. F. M. Cowen.

From the county of Monroe, the Hon. Robert P. Trippe.

From the county of Morgan, the Hon. James S. Reid.

From the county of Muscogee, the Hon. Hines Holt.

From the county of Montgomery, the Hon. John McRea.

From the county of Miller, the Hon. Burrell Roberts.

From the county of Murray, the Hon. R. E. Wilson.

From the county of Marion, the Hon. Joel T. Rushen.

From the county of Mitchell, the Hon. Israel Maples.

From the county of Newton, the Hon. Thomas F. Jones.

From the county of Oglethorpe, the Hon. David C. Barrow.

From the county of Paulding, the Hon. Hiram M. Whitworth.

From the county of Pickens, the Hon. Elias W. Allred.

From the county of Pierce, the Hon. John Donaldson.

From the county of Pike, the Hon. James L. Head.

From the county of Pulaski, the Hon. George W. Jordan.

From the county of Putnam, the Hon. Joseph A. Turner.

From the county of Quitman, the Hon. T. L. Guerry.

From the county of Rabun, the Hon. J. C. Williams.

From the county of Randolph, the Hon. Ladoek Sawyers.

From the county of Richmond, the Hon. Thomas W. Miller.

From the county of Schley, the Hon. C. D. Crittenden.

From the county of Spalding, the Hon. Aquilla B. Mathews.

From the county of Stewart, the Hon. Clement A. Evans.

From the county of Sumpter, the Hon. Robert J. Hill.

From the county of Scriven, the Hon. Wilson C. Cooper.

From the county of Talbot, the Hon. Levi B. Smith.

From the county of Taliaferro, the Hon. B. R. Reid,

From the county of Tattnall, the Hon. ———

From the county of Taylor, the Hon. William S. Wallace.

From the county of Telfair, the Hon. William W. Paine.

From the county of Terrell, the Hon. Samuel L. Williams.

From the county of Thomas, the Hon. James L. Seward.

From the county of Towns, the Hon. Samuel Y. Jamison.

From the county of Twiggs, the Hon. E. S. Griffin.

From the county of Union, the Hon. E. S. Barclay.

From the county of Upson, the Hon. Edward A. Flewellen.

From the county of Walton, the Hon. James R. White.

From the county of Warren, the Hon. M. H. Wellborn.

From the county of Ware, the Hon. Burrell Sweat.

From the county of Wilcox, the Hon. Norman McDuffee.

From the county of Wilkes, the Hon. L. M. Hill.

From the county of Wilkinson, the Hon. William M. Whitehurst.

From the county of Washington, the Hon. Thomas F. Wells.

From the county of Wayne, the Hon. Henry A. Cannon.

From the county of Walker, the Hon. James M. Bond.

From the county of Worth, the Hon. Wm. A. Harris.

From the county of Webster, the Hon. J. M. Shepard.

From the county of White, the Hon. William B. Shelton.

On motion, the Senate proceeded to the election of a President; when on recurring and counting out the ballots, it appeared that the Hon. T. L. Guerry, Senator elect from the county of Quitman, was duly elected.

On motion of Mr. Harris, of Worth, a Committee consisting of Messrs. Harris, of Worth, Trippe, and Spalding, was appointed to notify him of his election, and conduct him to the Chair.

The President elect, on taking the Chair, addressed the Senate and returned his acknowledgments for the honor conferred upon him.

On motion, the Senate proceeded to the election of a Secretary, when on receiving and counting out the ballots, it appeared that Fred H. West, Esq., from the county of Lee, was duly elected; appeared, was sworn, and took his seat.

The Assistant Secretary, James A. Pringle, was sworn by the President of the Senate.

On motion, the Senate then proceeded to the election of a Messenger, when on receiving and counting out the ballots, it appeared that Van A. Brewster, of the county of Haralson, was duly elected.

On motion, the Senate then proceeded to the election of Door-keeper, when on receiving and counting out the ballots, it appeared that D. S. McCravey, of the county of Pickens, was duly elected.

On motion of Mr. Harris, of Worth, the Senate then adjourned until 10 o'clock to-morrow morning.

THURSDAY, NOVEMBER 3RD, 1859.

The Senate met according to adjournment.

Mr. Cone offered the following resolution, which was agreed to:

Resolved, That the Secretary inform the House of Representatives that the Senate have organized, by the election of the Hon. T. L. Guerry, the Senator elect from the County of Quitman, as their President, and Fred. H. West, Esq., of the County of Lee, as Secretary, and are now ready for business, and that a committee of three be appointed on the part of the Senate, to join such committee as may be appointed by the House of Representatives, to inform his Excellency, the Governor that both branches of the General Assembly are now organized, and ready to receive any communication he may have to make.

In pursuance of which the President appointed Messrs. Cone, Miller, and Harris of Worth.

Mr. Cone offered the following resolution:

Resolved, That the rules of the last Senate be adopted for the government of the present Senate, until altered or amended.

The following Senators appeared and were sworn in by the President, and took their seats, to-wit:

From the county of Whitfield, the Hon. Wm. R. Moore.

From the county of Troup the Hon. B. H. Hill.

Mr. Paine offered the following resolution.

Resolved, That Editors and Reporters for the Press in Georgia, be furnished by the Messenger, under the direction of the President, with convenient seats and desks on the floor of the Senate. Which was taken up, read and agreed to.

The following message was received from the House, by Mr. Diamond, their Clerk, to-wit :

Mr. President—I am directed by the House of Representatives to inform the Senate that they have organized by the election of the Hon. Isaiah T. Irvin, member elect from the county of Wilkes, as their Speaker, and James J. Diamond, Esq., of the county of DeKalb, as their Clerk, and that they are now ready to proceed to business. I am also directed to inform the Senate that the House has passed a resolution appointing Messrs. Lester of Cobb, Broyles of Whitfield, Lewis of Greene, Thrasher of Fulton and Ely of Dougherty, committee to join the committee appointed by the Senate, to wait upon his Excellency the Governor, and inform him that both branches of the General Assembly are now organized, and ready to receive any communication he may desire to make.

On motion of Mr. Johnson of Clayton, the Senators proceeded to draw and choose their seats.

Mr. Paine offered the following resolution :

Resolved, That a committee of three be appointed to revise and amend the rules of the Senate ; which was agreed to.

I pursuance of which the President appointed Messrs. Paine, Harris of Worth, and Tracy, as that committee.

Mr. Seward moved to suspend the rules of the Senate for the purpose of introducing a bill ; which was agreed to.

Mr. Seward introduced a bill to be entitled an act to change the time of holding the Superior Courts in the counties of Lowndes, Brooks and Thomas in the Southern Judicial District ; which was read the first time.

Mr. Miller offered the following resolutions, which were read :

Whereas, The late attempt at Harper's Ferry, in the State of Virginia, to excite a portion of the slaves of the South to insurrection, has produced the highest degree of indignation in the minds of the Southern people against the perpetrators of that outrage, their aiders and abettors, and affords just ground to apprehend a renewal of their efforts in other places ; and whereas, the action of Governor Wise and President Buchanan meets with our unqualified approbation, we deem it incumbent upon the members of the Legislature of the State of Georgia, to give the most authoritative expression of their sentiments. Therefore,

Resolved, That we regard the effort to excite the slaves of

the South to a servile insurrection, with the most intense indignation, and trust that the parties to this insane and treasonable plot, may meet with the most prompt and signal punishment, believing, as we do, that while it will be meting out a just retribution for their crime, it will exert a wholesome influence in deterring others from countenancing similar movements.

Resolved, That the prompt and energetic action of Governor Wise of Virginia, and President Buchanan, in suppressing the outbreak at Harper's Ferry, and in their efforts to capture the insurgents, evince a degree of manliness and patriotism, honorable alike to them, and worthy of our warm admiration as citizens of a Southern State.

Resolved, That we pledge the State of Georgia to uphold and support the State of Virginia, and the President of the United States, in the position they have assumed in connection with this unfortunate affair, and we earnestly counsel the utmost vigilance in guarding against the recurrence of a similar conspiracy in our own borders, or elsewhere at the South.

Resolved, That a copy of the foregoing preamble and resolutions be transmitted by the Governor of Georgia, to the Governor and Legislature of Virginia, and the President of the United States.

Mr. Printup offered the following resolution :

Resolved, by the Senate and House of Representatives, That both branches of the General Assembly do convene in the Representative Chamber on Saturday, the 5th inst., at 10 o'clock, A. M., to proceed to the election of the Secretary of State, Comptroller General, Treasurer, Surveyor General, Director of the Bank of the State of Georgia, and State Printer.

On motion the rules of the Senate were suspended, and the same was taken up.

Mr. Seward moved to amend the resolution, by inserting the words, "United States Senator," which was lost.

The resolution was then agreed to.

Mr. Cone, Chairman of the committee appointed to wait upon his Excellency the Governor reported that they had discharged the duty assigned them, and that his Excellency the Governor, would communicate a message to both branches of the General Assembly this day at 11 o'clock.

The following Message was received from his Excellency the Governor, by Mr. Waters, his Secretary.

Mr. President—I am directed by his Excellency the Governor, to deliver to the Senate his Annual Message, with accompanying documents.

On motion of Mr. Cone, the Annual Message of his Excellency the Governor, was taken up and read, as follows :

GOVERNOR'S MESSAGE.

Fellow-Citizens of the Senate and

House of Representatives:

In the seventeenth Section of the first Article of the Constitution of this State, it is declared that "every bill shall be read three times, and on three separate days, in each branch of the General Assembly, before it shall pass, unless in case of actual invasion or insurrection;" and in the same section it is further declared, that "all Acts shall be signed by the President in the Senate and the Speaker in the House of Representatives."

BILLS LOST, WHICH WERE NOT ENGROSSED AND ENROLLED.

On the day of the adjournment of the Legislature, at its last session, so large a number of bills passed both Houses that it was not possible for the Engrossing and Enrolling Clerks to copy and prepare all for the signatures of the President of the Senate and the Speaker of the House, before the hour of adjournment. Consequently, all bills in this condition were lost. Had they been enrolled after the Legislature had adjourned, they could not then have been signed by the President *in* the Senate nor by the Speaker *in* the House of Representatives.

NOT SIGNED BY PRESIDING OFFICERS.

A number of other Bills which had been properly enrolled and prepared for signature, but which, by some oversight in the hurry of business, had not been signed by either one or the other of those officers, were brought to the Executive Office, about the time of adjournment; and finding, on examination, *after the Houses had adjourned*, that the constitutional provision above mentioned had not been complied with, I withheld my signature from them, believing that it could not then give them the force of law. These Bills are herewith returned to the respective Houses in which they originated. It is believed that many of them

were never read a second time, on any previous day of the session, but that, when they came up in their order for a second reading, the captions or titles only, and not the entire Bills, were read. The Constitution is imperative that not only the title, but the *Bill*, shall be read, as well on the second as on the first or third reading. If any one reading may be dispensed with, all may; and the Bill, no matter how important, may be passed upon three readings of its title only, while its provisions are unknown to many of the members of each House.

HASTY AND INCONSIDERATE LEGISLATION CONDEMNED.

The numerous examples of hasty and inconsiderate legislation, which we so often witness, are becoming a source of great detriment to the State, and should be discouraged by all prudent legislators. One of the great evils of the age is, that we legislate too much. As a general rule, the failure of a Bill that has merit in it is less to be regretted than the passage of a bad law. Wholesome rules of law with which the people have become familiar, should not be changed, unless for good cause, after very mature deliberation. A failure on the part of the Legislature to observe this rule, has involved our laws in much uncertainty, and has often kept the people in ignorance of their true meaning. Our legislators have frequently given too little attention to their duties during the earlier part of the session, and have left the greater part of the business of the session to be transacted within the last few days before adjournment. Hence, their inability to give to each important measure, brought before them at the close of the session, the attention and deliberation necessary to its proper disposition. The consequence has been, that we have had much inconsistent and unwise legislation. If we would learn wisdom by experience, we might do much to correct this evil in future. I feel it my duty to use all the influence and power of my position to that end. I shall not, therefore, hesitate to lay aside and withhold my sanction from all such bills passed in the hurry and confusion which usually precede an adjournment, as fail to command the approbation of my judgment, together with all such as have not been plainly and correctly enrolled and signed by the proper officers.

TRIVIAL, LOCAL, INDIVIDUAL AND CLASS LEGISLATION.

I would further suggest the propriety of dispensing with a great deal of the trivial, local, private and class legislation which is introduced into almost every General Assembly, much of which is useless because it benefits no one, and much of it is unjust and mischievous, because it benefits a few individuals at the expense of the many. Let it be remembered, that each useless local Act introduced and passed cumber the Journals and the pamphlet of Acts, and that the

State pays out of money raised from the people by taxation, for printing 4,000 copies of the Journals of each House and 5,000 copies of the Act itself, and that one day spent by the General Assembly in the passage of such Acts costs the State over \$2,500 00, in pay of members, officers and other expenses. A proper and just regard for economy demands reformation in this particular. The same objections that are applicable to trivial and local legislation, apply to much of our private or individual and class legislation, with many other objections on account of its injustice and inequality. It would, in my opinion, be much better for the Legislature, with few exceptions, to lay down general rules of law, and let all alike regulate their conduct by them.

EXERCISE OF THE VETO POWER.

Entertaining these views, I have, during my term in office, frequently withheld my sanction from bills of the character above described. In so doing, I do not consider that I have been wanting in respect for the General Assembly. The Constitution has assigned to the Governor, as well as to the General Assembly, official powers and duties, and the people should hold him responsible for the independent exercise of his official powers, as well as the faithful discharge of his official duties. Neither House of the General Assembly feels that it is wanting in respect for the other when it refuses to pass a Bill which it does not approve, though it may have been passed by the other. The Constitution declares that the Governor "shall have the revision of all Bills passed by both Houses, before the same shall become laws;" and it only gives to the General Assembly power to pass laws, "notwithstanding his dissent," by two-thirds of both Houses.

If the Governor, therefore, out of respect for the two Houses, signs a Bill which his judgment does not approve, he denies to the people the exercise of that Executive revision, which, under the Constitution, they have a right to demand, as a protection against hasty or unwise legislation.

NEW COUNTIES.

I beg leave to call the attention of the General Assembly to our new county legislation. There may have existed a necessity, a few years since, for the creation of several new counties. Some of the old ones, which were laid out when the population was very sparse, were found to be too large for convenience when they became more densely settled, and legislative interference became necessary. Since the precedent of forming new counties has been established, it is believed it has already been followed further than the public interest may have required. Bills for the organization of new counties covering small strips of territory, are

now passed, which, ten years since, would have met with no favor in the Legislature.

The number of applications for new counties increases in a ratio almost double that of the number made at each session. We now have 132 counties in the State. The whole amount of tax paid into the State Treasury by each of a considerable number of our counties, is *less*, by several hundred dollars, than the amount drawn by each of them from the Treasury in payment of its members, and for other usual and necessary purposes. This deficiency of several hundred dollars must, therefore, be made up to each out of tax paid by others. I recommend in future, as a general rule, to which I think there should be few, if any, exceptions, that no new county be formed which does not embrace within its limits a territory at least as large as the average size of the present counties, without reducing the old counties from which it is taken, each to a less area than that proposed for the new county; and that no such Act be passed until the Legislature is satisfied that the State tax to be paid by the proposed new county, when formed, will be at least sufficient to reimburse the State for all moneys which she will be compelled to pay from her Treasury on account of its formation; and that each county from which territory shall have been taken to form the new one, will be left with the like ability.

REDUCTION OF THE NUMBER OF SENATORS AND REPRESENTATIVES.

The further fact that the number of Senators and Representatives is increasing with the increase of the number of new counties, is, to my mind, another reason why few if any other new counties should be formed. Our legislative Assembly is already much too large, expensive and unwieldy. A Senate composed of one hundred and thirty-two members differs but little from a House of Representatives, except in name. It is almost impossible for so large a body to maintain that calm and dignified decorum, and to act with that coolness, deliberation and caution, which are indispensable to the proper discharge of the high functions of a wise and grave Senate; which, when properly organised, is justly looked to as one of the strongest bulwarks of liberty in a republican government.

I would, therefore, most respectfully but earnestly urge upon your consideration, the importance of an early change of the Constitution, so as to reduce the number of Senators and Representatives. I would suggest that the Senate be reduced to thirty-three members, which would be an average of one for every four counties; and the House of Representatives to one hundred and fifty-two members, which would be ~~two to each of~~ twenty counties having the high-

est representative population, and one to each of the remaining counties. Each of these bodies would then be quite large enough for the proper discharge of all its constitutional functions. Each county would have a distinct and separate voice in the House of Representatives, the twenty strongest having each two Representatives. The adoption of this suggestion would reduce the present number of Senators and Representatives, from three hundred and one, to one hundred and eighty-five, being a reduction of one hundred and sixteen. Upon the score of just economy, this reduction should be made, if the efficiency and wisdom of the General Assembly will be nothing impaired by it. Let us look at the question for a moment, in this light. Should the example of the last General Assembly, the members of which voted themselves each six dollars per day, be followed as a precedent, (the propriety of which has been doubted,) these one hundred and sixteen Senators and Representatives will, in future, draw from the Treasury six hundred and ninety-six dollars per day, during the session. If the session continue but forty days, this will amount to \$27,840 00 each session. To this add \$31 00 to each, which is about the average mileage of a member, and the mileage of the one hundred and sixteen would amount to \$3,596 00; which, added to the per diem pay as above fixed, makes a total of \$31,436 00, thereby saving to the State, should the proposed reduction be made, that sum, each session of forty days; should the session be longer, the sum will be greater. But it is believed, now that the sessions are annual, that the people do not expect them to be protracted beyond forty days, and that no sufficient reason exists for so doing, as all the necessary business, with diligent attention during the earlier part of the session, may be dispatched within that time. The above sum is now raised annually by taxation from the people, and is, in my opinion, expended in a manner worse than useless—as the General Assembly, under its present organization, is believed to be a less safe and efficient body than it would be if organized upon the plan above proposed. For the purpose of ascertaining the sense of the people directly upon this subject, I recommend that a law be passed by the present Legislature, authorizing the call of a convention of the people, to take into consideration the propriety of the proposed change, or such other change as will accomplish the object, together with other necessary alterations of the Constitution. Should a reasonable reduction be made, the saving of expense at a single session of the Legislature would nearly pay the expenses of the convention. The Legislature, as at present organized, including per diem and mileage of members, clerk hire, &c., costs the State about \$2,500 00 for every day it is in session.

PAY OF CLERKS AND PER DIEM OF MEMBERS SHOULD BE
FIXED BY LAW.

In this connection, I will remark that the item of clerk hire, alone, has frequently been most exorbitant and unreasonable. It is believed that much of this unnecessary expense has resulted from the practice too often adopted by the Chief Clerk and Secretary, of employing a large number of supernumeraries. During the session of 1853, and 1854, the clerk hire in the House of Representatives amounted to \$24,410, and in the Senate to \$7,346. Since then, a law has been passed, limiting the number of clerks to be employed; and I recommend a further enactment, fixing the pay of each clerk, except two enrolling clerks, at \$4 00 per day, and the enrolling clerks each at \$5 00 per day. There would be no difficulty in obtaining the services of any number of clerks needed, at these prices, who are quite as competent as those heretofore employed at six and seven dollars per day. The Secretary of the Senate and Clerk of the House of Representatives, during the last session of the Legislature, (which lasted only thirty-nine days,) received each seven dollars per day, and an additional sum of five hundred dollars, appropriated to each. This appropriation and per diem together amounted to nineteen dollars and ninety-seven cents, each, per day, besides all the contingent expenses incident to the office of each, which were also paid out of the Treasury. Neither of these officers had, I think, five days of official labor to perform after the adjournment of the Legislature.

I recommend that the compensation of each of these officers, be fixed by law; and I would suggest that the actual contingent expenses of the office of each be paid, and that each receive not exceeding ten dollars per day for the time he is engaged in the duties of his office, without further appropriation. I am satisfied that it would also be better to fix the per diem of the members of the Legislature by law, than to leave it, as heretofore, to be determined by themselves at each session.

On account of the lateness of the hour in the session when the bill appropriating money for the support of the government, is usually passed and presented to the Governor for his sanction, he is sometimes left to the alternative of giving it his sanction when it contains items of appropriation, which are, in his judgment, unnecessary and exorbitant, and which he does not approve; or, of vetoing it and calling an extra session of the legislature to pass an appropriation bill without those items; which would cost a much larger sum than the amount contained in the parts of the bill to which he objects.

If the compensation of the members and of all officers of every character connected with the body, were fixed by law, much of this embarrassment would be avoided; as any proposed change would then be brought up in a separate bill and acted upon with reference to its individual merits. Indeed, propriety would seem to dictate that no appropriation of doubtful expediency, should be fastened upon the regular appropriation bill, the legitimate object of which is only to appropriate the several sums of money which are known to be necessary to support the government. All other proposed appropriations should be acted upon separately, leaving each to stand or fall on its own merits.

CHANGE OF THE CONSTITUTION.

In accordance with my recommendation, a bill passed each branch of the General Assembly, at its last session, by a constitutional majority, entitled, "An Act to change the 1st Section of the 3d article of the Constitution of this State." The object of the proposed amendment is, to authorize a change of *venue* in the trial of criminal cases, when, in the opinion of the presiding Judge, the ends of justice may require it; so that a defendant indicted for murder or other crime, in one county, may, if the Judge deems it necessary to the ends of justice, be transferred to, and tried in another county adjoining the one in which the crime is charged to have been committed. The bill was properly enrolled, and was signed by the Speaker of the House of Representatives, but was not signed by the President of the Senate. As the Constitution requires that a bill of this character shall pass two successive legislatures, each by a two-third majority, before it shall become a part of the Constitution, and as a diversity of opinion seems to exist among members of the legal profession, as to the necessity of the signatures of the presiding officers of the Legislature during the Session at which the bill was first passed, I thought it advisable to publish the bill, as required by the Constitution, (which has been done,) and to submit it, with the facts, for your consideration. I deem the proposed change of the Constitution an important one, for the reasons given in my last Annual Message.

AMENDMENT OF THE PENAL CODE.

While on the subject of criminal law, I desire to call the attention of the legislature to other changes, which I deem important. When a defendant, under the present law is convicted of a crime, the punishment of which is death or penitentiary imprisonment, and the case is carried to the Supreme Court and the judgment of the Court below is affirmed, the defendant, if he is not out on bail, must remain in jail, a charge to the county, until the next term of the Supe-

rior Court, which is sometimes nearly six months, before he can be re-sentenced. To avoid this delay of justice and the consequent unnecessary expense to the county, in such cases, I would suggest that the law be so changed as to authorize the Judge of the Superior Court in such cases, to pronounce the sentence, in vacation at Chambers, upon motion of the Solicitor General without delaying the execution of the law till the next regular term of the Court; which delay sometimes enables the guilty to escape, and which in almost every case, imposes a heavy tax upon the county.

By the 18th section of the 14th Division of the Penal Code, it is enacted "that any person against whom a true bill of indictment is found for an offence not affecting his or her life, may demand a trial at the term when the indictment is found, or at the next succeeding term thereafter, which demand shall be placed upon the Minutes of the Court, and if such person shall not be tried at the term when the demand is made, or at the next succeeding term thereafter, *Provided*, that at both terms there were juries empannelled and qualified to try such prisoner, then he or she shall be absolutely discharged and acquitted of the offence charged in the indictment."

The Supreme Court first held that the defendant might make the demand at any term after the finding of the bill of indictment. They have since held that the demand can only be made at the term when the indictment is found, or at the next succeeding Term. For the purpose of making the law more certain, I recommend that this Section be so amended as to permit the defendant to make the demand at the Term when the bill of indictment is found and a statement of the case read in open Court by the Solicitor General, or at the first or second term thereafter, or at the third Term if the Solicitor fails to read the statement of the case in open Court at the term when the bill is found, or to notify the defendant or his counsel that the bill has been found true by the Grand Jury. And on the other hand, for the purpose of promoting the ends of justice by securing a speedy trial of offenders, I recommend such change in the law as shall compel defendants in criminal cases, to come to trial, at furthest, by the second Term of the Court after the Term, at which the bill of indictment is found, unless further time be given by the Court on account of very special Providential cause.

PARDONING POWER.

During my term in office, I have seldom exercised the pardoning power. While I admit that there are rare cases, as in the case of newly discovered evidence after the conviction, which might reasonably have changed the result, had it been before the Court on the trial, and a few other cases, where the power should be exercised, I do not doubt that

its exercise may be, and often is, much abused. I have therefore thought it my duty to exercise it with great caution, believing that it is far better, as a general rule, for the safety and welfare of society, that the decisions of the Courts and juries deliberately made, with all the facts before them, should not be disturbed. I have no sympathy with that sickly sentimentality, which always, forgetful of the injuries inflicted upon the innocent by the guilty criminal, would in the name of mercy, turn loose upon the community every felon in whose favor a sympathetic appeal can be made. I have not only refused the exercise of the pardoning power—except in a few very special cases, such as in my opinion were contemplated by those who formed our Constitution—but I have also refused to respite defendants in cases of murder, when, in my opinion, after an examination of the evidence, the finding of the jury, and the judgment pronounced by the Court, were in conformity to law, and the principles of justice. In such cases my opinion is, that the officers of the law should not be hindered in its execution; and I have not, therefore, suspended the sentence, nor referred the case to your consideration. The Constitution does not say that the Governor, in such cases, *shall* grant a respite, but only that he *may* do it. It is evident, therefore, that it is made his duty to exercise a sound discretion, in determining whether or not the case is proper to be referred to the decision of the Legislature.

PENITENTIARY, AND STATE ASYLUMS.

For a statement of the present condition and management of the Penitentiary, the Lunatic Asylum, the Academy for the Blind, and of the Institution for the Education of the Deaf and Dumb, I refer you to the respective Reports of the persons in charge of those institutions.

General Eli McConnell, Principal Keeper of the Penitentiary, in his official capacity, by my instruction, took control of its repairs and reconstruction, as contemplated by the act of the last Legislature, which appropriated \$30,000 for that purpose. He is erecting the buildings with convict labor; and as each building is completed, the value of its construction is to be estimated by good mechanics, who are disinterested, and the sum awarded by them, is to be paid to him as Principal Keeper for the use of the Penitentiary, out of the appropriation. The appropriation will not, probably, be sufficient to defray the expense of the erection of all necessary buildings for Work-shops, Dining-room, Chapel, extension of Cellbuilding, &c. After these shall have been completed, it is important that the walls be repaired and parts of them entirely rebuilt. I therefore recommend an additional appropriation of twenty five thousand dollars, to complete the necessary repairs and reconstruction.

W. & A. RAILROAD.

For information in reference to the condition, management and incomes of the Western and Atlantic Railroad, for the year ending 30th September last, you are referred to the Report of Dr. John W. Lewis, its very vigilant, efficient and worthy Superintendent. I feel that I do but an act of justice when I say, that in my opinion, the State has at no time had connected with the Road, in any capacity, a more competent, trustworthy and valuable public servant. It will be seen by reference to his Report, that the sum of \$402,000 in cash has been paid into the State Treasury from the net earnings of the Road during the fiscal year ending 30th Sept. last; and it will be seen by the report of the State Treasurer and Comptroller General, that four hundred and twenty thousand dollars have been paid into the Treasury during the fiscal year ending 20th Oct, 1859. The old iron on about 25 miles of the track, has, since 1st. January, 1858, been taken up and its place supplied with heavy new rail. The Road-bed and all the superstructure and machinery are kept in excellent order. . No new debts are contracted which are not promptly paid monthly, if demanded; and no agent appointed or retained in office during my administration, is known to be a defaulter to the amount of a single dollar.

I confess that the amount paid into the Treasury from the road, during the past year, has somewhat exceeded my expectations. For this I am indebted not only to the Superintendent, but also to the untiring efforts of the honest, industrious, and faithful officers and agents associated with him and under his control.

It has, I think, been clearly shown within the last two years that the Road owned and controlled by the State is a productive piece of property; and with proper management in future, I feel safe in the prediction that it will remain so, and that the incomes from it will continue to increase with the increase of population, business and wealth in the country.

So long as the Road remains under my control, I invite strict scrutiny into its management; for I subscribe fully to the doctrine that it is proper to hold public functionaries to rigid accountability. And I am willing that judgment be pronounced upon my official conduct under the application of this rule.

In the construction of the Road under State management, it is not doubted that there were in many instances too lavish an expenditure of the public money, and that it cost a much larger sum than it should have cost. I am not prepared, on that account, however, to admit that any good reason exists ~~why a State~~ may not manage a great public

work of this character with as much honesty, economy and success as a corporation. To accomplish this object it is only necessary that the officer having the appointing power, select agents who are competent, honest and faithful; that he lay down strict rules for the government of their conduct; that he give so much of his individual attention to the work as will enable him to know whether or not those rules are violated; and, in every case where he discovers he has been deceived in the selection of a proper agent, or where an agent has palpably violated the rules laid down for his government, that he have the moral firmness and nerve, without regard to personal considerations, to apply the corrective, by a prompt removal. The observance of these rules is, in my opinion, a duty of the appointing power, from which he should never shrink. If he performs this duty he can seldom fail of success.

Regarding it as a matter of interest, I have endeavored, at the expense of considerable labor, to ascertain the original cost of the State Road; but I find it impossible, for the reasons given in the able and very valuable report of Col. P. Thweatt, Comptroller General, who has also given much attention to this subject to arrive at a conclusion with entire accuracy. It is believed that the Report of Mr. Garnett, then Chief Engineer, made in 1847, of the amount expended to that time, is about correct. He estimates the whole cost to the date of his Report, at \$3,305,165 88. Since that time there has been appropriated to the construction of the Road, its equipment, &c, in Cash, and in the bonds of the State, the sum of \$1,136,366 27. Add these sums together, and we have \$4,441,532 15, as the total amount appropriated by the Legislature, and paid out of the State Treasury for the construction and equipment of the Road. This, in my opinion, is a very near approximation to correctness.

I am aware that some persons, in accounting for the gross incomes of the Road since its completion, have charged large amounts of these incomes to construction. These sums were, I think, generally more properly chargeable to repairs, &c. than to original construction. As an instance, the Etowah bridge was burned down some years after the road had been in operation, and it became necessary to build a new one. The cost of this could not properly be chargeable to original construction, but was, I think, properly chargeable to repairs on account of casualty.

A portion of the iron originally laid down on the track became so much worn as to be unsafe, and it was necessary to procure and lay down new iron in its place. The cost of this also was properly chargeable to repairs and not to original construction. If a Depot building was sufficient, when the Road was completed, to accommodate all who

had business at the place, but which afterwards, on account of the decay of the structure or increase of business at the location, was found to be insufficient, and it became necessary to build a new one, its cost could not justly be charged to original construction.

Without multiplying instances of this kind, I conclude that as soon as the Legislature had appropriated a sufficient sum to complete the road, and to place upon it the superstructure and machinery necessary to the transaction of the business offered by the country to the road, the original construction account was at an end, and that all such enlargement of buildings, re-construction of bridges, renewals of superstructure, repairs of track, &c, &c, as were afterwards required for the safety of transportation and travel over the road, or for the accommodation of increased business, is properly chargeable to expense of keeping up the road, and not to expense of building and putting it into operation. Had the road remained unproductive to the Treasury for a quarter of a century, on account of bad crops, casualties from fire or flood, commercial pressure, bad management, or from any other cause, it could only have been evidence that the original investment was an unfortunate one for the time; but surely the repairs made and all the State's losses during that time, could not, in justice to the officers afterwards in charge of the road, be properly chargeable to original cost in calculating the per cent which the road might afterwards pay upon the original investment. Estimating the original cost, therefore, at \$4,441,532 15, the road during the past fiscal year (ending 20th October last,) has paid into the Treasury of the State nearly nine and a half per cent upon the original investment. And it should not be forgotten in this connection, that it was built at a time when railroading was not well understood, and that it was built as a public work, at a cost greatly more than would have been expended in its construction, even at that time, by a private company.

Had the same economy been used which is usually practiced by private companies, the whole cost of the Road would not probably have exceeded, if it even had amounted to \$3,000,000.

The sum paid into the Treasury during the past year is fourteen per cent upon that sum. In comparing the present management of the Road with Company management, it is certainly just to the present officers, who did not build it, to count the per cent upon such sum only as the Road should reasonably have cost had it been built by a Company, and not upon such sum as it may have cost under the extravagant system which is sometimes practiced in the original construction of public works.

GEORGIA MILITARY INSTITUTE.

It is to be regretted that the Georgia Military Institute at Marietta has not been as prosperous the last year as its friends had anticipated. This may be the result chiefly of our defective legislation for its government. As at present organized, it is under the control and management of a Superintendent, a Board of Trustees and a Board of Visitors, whose powers, respectively, are not well defined. In this conflict of jurisdiction, that decision and dispatch is wanting which is absolutely necessary in maintaining government in the Institute. The consequence has been that the number of Cadets is greatly diminished, and the character of the Institute has suffered in public estimation.

At the end of the last term. Col. A. V. Brumby, the late able Superintendent, and Capt. McConnell, late Commandant, resigned their respective offices; and Maj. W. F. Capers, who has for a number of years held a similar position in our sister State of South Carolina, has been elected Superintendent, and Capt. W. J. McGill, of Charleston, has been elected Commandant. These gentlemen have both accepted, and are now at their respective posts, giving, as far as I can learn. general satisfaction. It is to be hoped that with the necessary legislation for the government of the Institute, they may soon be able to restore it in public confidence and raise it to a high state of prosperity. Maj. Capers yielded reluctantly to the call of the authorities of the Institute, and only upon the guaranty given by the joint Board of Trustees and Visitors that his salary should be made secure. The position which he resigned in Charleston was paying him as large a salary as he is promised in this State, and it was there secured by the State. I therefore recommend that the sum of \$2,500, be appropriated to pay the salary of the Superintendent, and that this be an annual appropriation for that purpose till the incomes of the Institute become sufficient to defray all its expenses and pay the salaries of all its Professors.

By a joint resolution of the last General Assembly the Governor, in connection with the Board of Trustees, was authorized and empowered, (should they deem it necessary for the welfare of the Institution,) to employ an additional Professor for the same. By virtue of this authority they engaged the services of the Rev. John W. Baker; but on account of the reduction of the number of Cadets occurring soon after his appointment, and the consequent diminution of the incomes of the Institute, he has not received his salary. As he was employed by authority of the legislature, good faith requires that a sum sufficient to pay his salary for the time he has served, be appropriated.

At their last joint meeting, the Board, of Trustees and the Board of Visitors, after much deliberation, agreed upon a bill to be laid before the legislature, proposing such changes in the law for the future government of the Institute as experience has shown to be necessary. Among other things it is proposed to abolish both the old Boards, and to substitute in their place a single Board, to be charged with the entire government of the Institute. It is also proposed to connect the Institute with, and make it part of, the Military organization of the State, and to give to the Commander-in-Chief, the same control over its officers which he has over other Military officers of the State. This it is believed, will secure more strict military government, which is considered indispensably necessary to the success and usefulness of the Institute. I therefore, respectfully recommend the passage of the bill proposed by the joint Boards.

MILITARY SYSTEM—VOLUNTEER CORPS.

For the purpose of giving new life and energy to our military system, which is now almost entirely neglected, the importance of affording to a portion of the youth of our State a thorough military education, cannot be too highly appreciated. The people of many of the States of this Union are falling behind most of the civilized nations of the earth in military training. Within the last twenty years the more powerful nations of Europe have probably advanced more in military science and skill, and in all the arts of war, than they had during any previous century. It is believed that no one will doubt the correctness of this remark who has observed attentively the late struggles between the contending powers in the Crimea and in Italy.

There is not a more brave and patriotic people on earth than those of the United States; and there is probably no nation whose militia is so reliable on the field of battle, yet in this day of constant advancement in Military science, those who depend alone upon patriotism and valor enter the field, even in their own defence, under great disadvantage. Should our country be invaded by any of the great powers of the other hemisphere, our people would be found at the commencement of the struggle to be almost destitute of military training. Until this deficiency could be supplied, they might be unable to contend with the disciplined troops of a regular army, without great loss of life and much detriment to our national character.

There is probably no State in the Union, certainly not one of the old thirteen, in which military training is more neglected than in our own. We know not how soon we may be brought to the practical test of defending ourselves against the assaults of foreign ambition, or the more unnatural attacks ~~of those who ought~~ to be our brethren, but whose

fanaticism is prompting them to a course which is daily weakening the ties that bind us together as one people. The father of his country has admonished us to prepare for war in time of peace. If we would profit by his advice it is necessary that we reorganize our military system. I do not hesitate to say, that the State should offer every reasonable inducement for the organization and training of volunteer military corps, as the best and most efficient mode of reviving the military spirit among our people. This cannot be done until she has made provision for arming such companies. At present, the only provision for this purpose, is the distribution of the small quota of arms which the State receives annually from the General Government, and which is wholly inadequate to the demand. The consequence is, that many of our volunteer companies are without arms, while many others would be organized were it known that they could be supplied with suitable arms.

Frequent applications are made to this Department for arms with a view to the organization of new volunteer companies; and when those who apply are informed that they cannot be supplied, all further attempt to organize such companies are abandoned.

For the purpose of encouraging the organization of volunteer corps, I recommend that all laws now in force requiring the performance of military service other than that performed by volunteer corps, be suspended, except in case of insurrection or invasion; and that a commutation tax be assessed and collected, from each person of twenty one years of age, or upwards, who is subject to do military duty in the State, and who is not a member of an organized volunteer corps which drilled at least once a month throughout the year, preceding the collection of the tax. This tax should be large enough to raise a sum sufficient to arm the entire Volunteer force of the State, with the latest and most approved style of arms. As soon as a sufficient sum shall be collected in this way, I recommend, as a means of procuring the contemplated arms, that it be expended in the erection at some suitable location in the State, of a State Foundry for the manufactory of arms and other munitions of war. This would make the State much more independent in case of emergency. The God of Nature has supplied us, in rich profusion, with all the materials necessary to the accomplishment of this purpose.

If ample provision were made for arming our volunteers, they would exhibit much military pride; and the young gentlemen educated at our State Military Institute, would, in all probability, be elected to the command of many of the companies, who would bring into practical operation, in training our militia, the science and skill which they have acquired at the Institute. In case of war, we could then

bring into the field a large force of well trained volunteers, commanded by officers of thorough military education, who would, in almost every case, be natives of our soil. Our untrained militia, if called into the field, with such a force and such officers at their head, would at once become infused with the military spirit, and soon with much of the military skill, of the volunteers, and would constitute with them an invincible army.

CODIFICATION OF THE LAWS.

Provision was made by the last General Assembly for the codification of the laws of this State, and Hon. H. V. Johnson, Iverson L. Harris, and David Irwin, were elected Commissioners to perform that important service. The two former declined to accept the appointment. The statute provides that any vacancy which may occur among the Commissioners, shall be filled by the next General Assembly. To prevent a failure of the commission, and the defeat of the object had in view by the Legislature, I proceeded at once, in accordance with the power vested in me by the Constitution, to fill said vacancies, till the next session of the General Assembly, by the appointment of Hon. T. R. R. Cobb and Hon. Richard H. Clark. These gentlemen accepted the appointment, and, in connection with Judge Irwin, have been prosecuting the work hitherto with great energy.

It is not doubted that this work, when completed, will contribute much to systematize and simplify our laws, which will enable the people much more readily to comprehend their true meaning. The time allowed the Commissioners by the statute within which to finish the entire work, is only twenty months. I think it hardly possible for them to complete the work within that period, with that care and accuracy which are indispensable to its contemplated usefulness. I would, therefore, recommend an extension of the time to two years, and that the compensation allowed each Commissioner be fixed at three thousand dollars per annum, while engaged in the work.

As it will be proper that a very plain and legible copy of the entire code, as finally agreed upon by the Commissioners, should be prepared in manuscript, to be laid before each House of the General Assembly, and if adopted by them, that a copy be filed in the office of the Secretary of State, as an entire Act, it was considered indispensable that the Commissioners have a clerk to do this clerical labor. I therefore appointed B. B. deGraffenreid, Esq., of this city, who is eminently qualified, as clerk to the Commissioners. I recommend that such sum be appropriated to him, annually, while engaged in that capacity, as will amply compensate him for his services. I would also suggest the propriety of appropriating to each of the Commissioners such

portion of his salary as may be reasonable, to be paid at such times, while engaged in the work, as the General Assembly shall designate.

COBB'S STATUTES AND FORMS.

By a joint resolution of the last General Assembly, it was made my duty to appoint three Commissioners to examine the manuscript of the proposed new work of Hon. Howell Cobb, of Houston, which is an enlargement and improvement of his Analysis and Forms; and in the event of a favorable report by the Commissioners, it was also made my duty to subscribe for such number of copies for the State as should, in my judgment, be necessary. On receiving from the Commissioners a very favorable report of the work, I subscribed, in behalf of the State, for 3,000 copies, at five dollars per copy. For the purpose of facilitating the early completion and distribution of the work among the counties, I advanced to Col. Cobb, in accordance with the spirit of the resolution, \$3,000, from the contingent fund, in part payment. The books have been received at the Library; and as many of them as may be necessary will be distributed among the counties, with the laws and journals of the present session.

The work is ably and faithfully executed, and does much credit to its distinguished author. It is expected that the remaining \$12,000, due on the State's subscription, will be appropriated at your present session.

WEIGHTS AND MEASURES.

An appropriation of \$10,000 was made at the last session, for the purpose of supplying all the counties not then supplied with standard weights and measures. Soon after the close of the session, I caused circulars to be addressed to the Clerks of the Superior Courts of the several counties, informing them of the fact of such appropriation, and requesting each to report to me whether his county was supplied with these standards; and further notifying each, that his county would be considered as supplied unless he furnished the information. In reply, I received information of the deficiencies which existed in 113 counties. From the remaining 19 counties no reply was received, and I was left to presume that each of the latter was fully supplied. I have since caused to be manufactured and supplied to each county whose clerk informed me of any deficiency, the standard weights and measures which were considered necessary. If the supply needed by any county has not been shipped to its nearest railroad depot, the fault rests with its own officer who failed to furnish information of its necessities.

I have also caused to be deposited in the State Arsenal, at this place, 27 sets of standards similar to those furnished

the counties above mentioned, which are subject to the future direction of the Legislature.

These weights and measures are of a very superior quality, and it is not doubted that they are entirely accurate. They were manufactured by John W. Kissam, of New York, under the supervision of Col. John T. Smith, of that city, who was formerly a Secretary in this Department.

CENSUS OF 1859.

In accordance with the requirements of the Constitution, the last Legislature made provision for taking the State Census this year, which has been done; and it will become your duty to make the septennial apportionment of members among the respective counties, in proportion to their respective population.

LIBRARY.

For several years past, an annual appropriation has been made, of \$1,000, to increase the State Library. It should be the pride of Georgia to supply herself with a library as extensive and valuable as that possessed by any other State in the Union; and I trust her Representatives will continue to provide for its annual increase.

The Library is at present kept in one of the rooms of the Capitol, which is entirely too small for the purpose. Many valuable books and documents, for want of room in the Library, are now kept in the basement rooms of the State House, where, on account of the dampness of the rooms, they are much injured. I therefore recommend that an appropriation of \$10,000, or such other sum as may be necessary, be made, to build a fire-proof brick building on the public ground east of the State House, to be used for the purpose of a Library.

MINERALOGICAL AND GEOLOGICAL SURVEY.

In the event of a future mineralogical and geological survey of the State, one of the rooms in the proposed new building might be used as a Cabinet for the deposit of valuable specimens of ores, fossils, &c. I do not doubt that such a survey would bring to light immense wealth, which is now buried in the bosom of our State. I therefore renew the recommendation made in my message to the last Legislature, that provision be made by the State for such a survey.

BOUNDARY LINE BETWEEN GEORGIA AND FLORIDA.

I am informed that the last Legislature of Florida agreed to the propositions contained in the joint resolutions passed by the Legislature of this State at its session of 1857, for the settlement of the boundary line between these States, upon the basis agreed upon by the late Executives of the two States. The Governor of Florida, being desirous that

the line between the terminal points which have been agreed upon be re-surveyed, as contemplated by the joint resolution of the Legislatures of the two States, has appointed B. F. Whitner, Esq., as Surveyor on the part of Florida; and I have appointed Prof. Orr, of Emory College, as Surveyor on the part of Georgia, who will proceed soon to run the line, and thus terminate, I trust, all further misunderstanding between the two States, in reference to this vexed question.

I recommend the passage of an Act authorizing the Governor, so soon as the survey is completed, to draw his warrant upon the Treasury for such sum as will compensate Prof. Orr, for his services.

ATLANTIC AND GULF RAILROAD.

In May last, I visited the Atlantic & Gulf Railroad, and I take great pleasure in saying that I consider it an excellent road, so far as it is completed, reflecting great credit upon the able, energetic and efficient officers who have had the work in charge, and upon the trustworthy and intelligent board of directors who have the supervision and direction of its affairs. While the work seems to have been faithfully done, my opinion is that those having the control have permitted no wasteful or extravagant expenditure of the State's money. In common with the citizens of Georgia, I deeply regret the death of Dr. James P. Screven, the late able and untiring President of this Road. It is said, that in his extraordinary efforts to push forward to its completion this great thoroughfare, which is to give new life and energy to a large and very interesting section of our State, he contracted the disease which terminated his valuable life. The work, when completed, will stand as a well deserved monument to his memory. The Board of Directors, since the date of my last Message having certified to me, as the statute requires, that the second, third, and fourth installments, of sixty thousand dollars each, have been paid in by the private stockholders, on their subscription, I have, in each case, issued fifty thousand dollars of the State's bonds, as the statute directs, and delivered them to the company, at par, as the State's installments due upon her stock. The whole amount of bonds issued to this time, on account of the road, is \$250,000; for which the State holds that amount of stock in the company. The Directors having lately notified me that the fifth installment of \$60,000 has been lately paid in by the private stockholders, I have prepared \$50,000 more of the bonds, which are now ready for delivery, and will be demanded in a few days.

STATE AID.

In my annual message to the last Legislature, I gave it as my opinion that it would be good policy for the State to lend her credit to aid in the construction of such other railroads as may be necessary to the more full development of her vast resources, *provided* she be made perfectly secure, beyond doubt, against ultimate loss. I still entertain the same opinion. In lending her aid in the construction of a road, I only propose that the State indorse the bonds of the company, after a reasonable proportion of the road is first completed, for a sum sufficient to purchase the iron to complete the rest, as fast as the company, at its own expense, shall have first graded the road and laid down all the timbers and superstructure, ready for the iron.

For the purpose of securing the State against loss, on account of this liability, I propose that she take and retain a mortgage or statutory lien upon the entire road, as well the part completed before her liability was incurred as the part completed afterwards, with all the superstructure, rolling stock, fixtures, franchises, and appurtenances of every character belonging to the company, with the right to sell the whole, after sixty or ninety days advertisement, whenever the company fails to meet and promptly pay any installment of interest or principal due on said bonds. And should any portion of the State's liability remain unextinguished, after the sale of the road, I propose that the whole deficiency, whatever may be the amount, be divided among the solvent stockholders, in proportion to the number of shares owned by each, and that the Comptroller General, under an order from the Governor, issue execution immediately against each, for his proportion of the deficiency, to be levied and collected by the Sheriff of the county in which the defendant resides; or of any county in which he may have property. This would, in my opinion, make the State amply secure. Indeed, it is not probable that she would ever have to call upon the stockholders to make up a deficiency, after the sale of a road; as it is not reasonable to suppose that any company of sensible men, simply because the State would agree to indorse their bonds under the very binding restrictions above proposed, for a sum sufficient to purchase the larger part of the iron, would ever invest their capital in grading and building a road which would be of so little value, when completed, that the whole road, and all its appurtenances, including the iron upon the entire track, and all the rolling stock, would not bring, if sold, a sum sufficient to pay for only the part of the iron for the price of which the State would be liable.

Capitalists do not usually invest their money where they not only expect no dividends or incomes, but the loss of the

principal, with an ultimate liability to future additional loss; consequently, it is not reasonable to suppose that the stockholders in any company, under the proposed plan, would undertake to build a road, and receive the State's aid by the indorsement of their bonds, unless they were satisfied that the road was a public necessity, and that the stock, after the road should be completed, would pay reasonable dividends.

The law, if passed, should be a general one, giving to every company in the State, engaged in the construction of a railroad, the same aid, subject to the same liability. It may be objected, that the terms upon which it is proposed to grant the aid are so onerous that no prudent company would avail themselves of its benefits, and that no encouragement would be given by the proposed plan to the development of the resources of the State; and it may be asked, what are the advantages of State aid, under this plan? To this it may be replied, that the company, with the State's indorsement upon its bonds, can sell them at par in the market, and thereby save itself from the ruinous loss which it would have to bear, should it be compelled, by its necessities, as such companies often are, to expose its bonds in the market, without such indorsement, for the purpose of raising money to complete its road. Many companies, which are now doing a prosperous business, while constructing their roads, were compelled to sell their bonds at sixty cents in the dollar, to raise money with which to complete them. Had the bonds of any such company had the proposed indorsement, they would have commanded par in the market, and thus over one-third of the cost of construction would have been saved to the company. As an illustration, suppose it will cost \$600,000 to build a road between two given points, and the road, if built, would be of much public utility, and do much to develop the resources of an interesting section of the State, and a solvent company, without the cash at present, undertakes to build it upon credit, by the sale of its bonds, as such roads are often built, the bonds must be offered in the market, and will bring only sixty cents in the dollar. It will cost \$1,000,000 of bonds to raise the \$600,000 in cash. When due, these bonds must be redeemed by the company at par. It will, therefore, cost the company \$1,000,000 to build the road. But, suppose the State indorses the bonds; they will then bring par; and \$600,000 of the bonds will bring \$600,000 in cash. The company, in that case, would have but \$600,000 of bonds to redeem; consequently, it would cost them only \$600,000 to build the road. The State's indorsement would, therefore, be worth \$400,000 to the company. The State would remain perfectly secure, and have her resources greatly developed, and the lands of her citizens in the vi-

cinity of the road much enhanced in value, which would increase not only the aggregate wealth of the people, but the amount of taxes due the State.

Without the endorsement of the State the Road would not probably be built. Before the company would undertake to build it, the Stockholders, as prudent men, would calculate the per cent; it would probably pay in dividends after its completion; and they might be satisfied that it would pay eight per cent upon the cost, if it could be built for \$600,000, and be willing in that case to incur the liability and proceed with the work. Should it, however, cost \$1,000,000 to build the same Road, it could then pay in dividends from the same amount of business, but little over half of eight per cent, and in that case, they would refuse to incur the liability or to proceed with the work. Consequently, the road would not be built; the resources of the section would not be developed; the price of lands would not be raised, and the amount of tax paid into the Treasury would not be increased. Hence, I conclude that it will be a wise policy on the part of the State to grant the aid upon these terms, that no prudent company will receive it until the stockholders are satisfied that the road will pay when completed, and that the aid will be very valuable to a company engaged in building such a road.

It is sometimes said that in justice to the railroad companies already in existence, the State should not aid or encourage the building of other roads which may come in competition with those now in operation. Some of these companies are now making very large profits, and while I desire to see them prosper, and would not wish to see their dividends reduced below a point where the stock would be reasonably profitable, no matter how much other interests might be thereby promoted, I am unwilling that such sections of the State as are without railroads should be denied their benefits on the ground that the large incomes of some of the wealthy companies now in existence, might be reduced by giving these sections an opportunity to participate in the advantages which would result to them from the construction of other roads. Indeed, I entertain no doubt that the interest of the people requires that the number of roads be increased till no one shall have a monopoly of the business of any very large portion of the State, *provided* that each shall be left with sufficient business to make its stock reasonably remunerative. The greater the competition between the roads the lower will be the freight and fare, and the better for the interest of those who travel and ship freight over them. When there is no competition, for the purpose of accumulating larger incomes, the freights are usually placed by the Company at a very high figure,

Again, I deny that any Company has a right to complain that injustice has been done it by the State, should she permit or encourage the building of such roads as the interest of her people in different sections require, which do not in any manner violate the chartered rights of such company. Most of our railroad charters contain guaranties to the respective companies, that no lateral road shall be built within a certain number of miles of the road of the company to which the guaranty is given; say twenty miles, as an instance. These corporations claim that the charter is a contract between the State and the company, and they cling with tenacity to every chartered right given them by this contract, and exercise it, if profitable, no matter how onerous its exercise by them may be to other interests in the State. They should therefore be content with the contract; and should not be heard to complain when the State exercises rights reserved by her when she granted to them their charters. The State, in the case above supposed, as an instance, when she granted the charter, guarantied to the company an exclusive right over a strip of her territory forty miles wide. With this guaranty they were content, accepted the charter, invested their money, and built the road. The interest of a large number of persons outside of the limits embraced in the guaranty probably afterwards requires that they have a road; the State encourages its construction and it is built. What injustice is done to the first company and how have they been deceived? They have the full measure of their rights, and the full benefits of what they insist upon as their contract. It is true, they may not have so large a monopoly as they desire, but they have all they contracted for, while another portion of the State is developed, and the people have the benefits of low freights, resulting from the competition.

The State has taken stock in two railroad companies. I oppose this policy, and do not think she should be a partner with her citizens in such an enterprise. My opinion is that she should have no interest in any property over which she has not the entire control. By endorsing the bonds of the company, with ample security, she complicates herself with none of its private management or affairs.

BANKS AND BANKING.

By the second section of the Act of 22d December, 1857, usually known as the bank Act, it is enacted that "when any bank or banks now incorporated or which may hereafter be incorporated in this State, shall refuse or fail to pay specie for any of its bills, notes or drafts, or other writing for which they may be bound, when demanded by any individual or individuals, shall be liable to suit thereon in any of the Courts of law or equity in this State, and such individu-

al or individuals, in addition to the principal of said notes and the lawful interest thereon, shall receive ten per cent. damages for such refusal or failure upon the amount so refused or failed to be redeemed in specie : and it shall be the duty of all juries, in such cases, to find a verdict in favor of the plaintiff against such bank, or banks, for the principal, interest and damages," &c.

For the purpose of protecting the people of the State as far as possible against the evils of Bank suspensions in future, and of restraining the banks from such reckless and extravagant speculation and overissues as usually lead to suspension. I recommend that the above recited law be so changed as to make it the duty of the jury, in every such case as that mentioned in the statute, to find for the plaintiff the principal and interest due upon each bank note or other obligation which the bank has refused to redeem in specie on demand, with twenty-five per cent damages ; the interest to to be computed from the time of the refusal to redeem the note in specie when presented ; and that the plaintiff be entitled to judgment at the first term of the Court.

I also recommend, that the penal code of this State be so changed as to declare that a future suspension of specie payment, by any bank in this State, shall be adjudged as conclusive evidence of fraud on the part of the President and directors of such bank ; and that the same be declared to be a high misdemeanor ; and punished by confinement and hard labor in the Penitentiary of this State, for a term not less than five, nor more than ten years ; and that the Grand Jurors of each county in this State, in which a bank is located, shall, at the opening of each term of the Court, in addition to the oath now prescribed by law, further swear that they will diligently inquire, and true presentment make of all cases of bank suspensions which have occurred in the county since the last term of the Court ; and in case any Grand Jury shall present any bank as, having suspended specie payment, that it shall be the duty of the Solicitor General forthwith to make out bills of indictment against the President and Directors of such bank. In my message to the Legislature, I expressed the opinion, that in view of all the imperfections and abuses of our present banking system, we should do all in our power to bring about its complete reformation ; and if this be not possible, that we should abandon it entirely. I consider that the people of Georgia have endorsed this opinion : and I respectfully urge upon their representatives the enactment of such laws as will carry it into practical effect. The liability of the banks and bank officers, should be made so stringent as to deter them in future from trifling with the rights of the people, for the purpose of advancing their own interest and their own speculations.

EDUCATION.

The last Legislature, by its liberal enactments and enlightened views upon the subject of Common School Education, not only rendered the State a most valuable service and entitled itself to the thanks of the whole people, but set an example of liberality in favor of education which challenges the approbation and deserves the imitation of all its successors. It is true, the Common School System adopted, was not perfect, nor was this to have been expected. So great a work must be progressive and a succession of wise enactments, guided by the light of experience, can alone perfect it. But the last Legislature did take a most important step in the right direction. It laid broad and deep the foundations of a system upon which, if its successors are equally wise, a most beautiful and perfect structure in all its magnificent and symmetrical proportions, will soon be reared.

In addition to the sum heretofore appropriated and distributed annually for education, it made an annual appropriation of \$100,000, to be paid out of the net proceeds of the W. & A. Road; and provided that the School fund should be further increased, annually, as fast as the public debt is decreased; and that the interest heretofore paid to the State's creditors, shall in future as fast as the debt is paid, be added to the School fund, and distributed for educational purposes.

This \$100,000 appropriation was made under the supposition that the net incomes of the State Road would not exceed \$300,000, per annum. As before stated, the Road has during its last fiscal year, paid into the Treasury of the State \$402,000, clear of all necessary expenses and repairs.

Estimating the future incomes from the Road at a like sum per annum, I see no just reason why the annual appropriation for school purposes, may not be safely increased to \$150,000, exclusive of the interest on the old fund, and the interest on the bonds which are to be issued for educational purposes as the State debt is paid. I earnestly recommend this increase of \$50,000, per annum, in the annual appropriation. If this be made, the amount for distribution, next year, from the State Treasury for Educational purposes, will be nearly \$200,000.

DEPOSIT WITH BANK OF SAVANNAH.

The School Act of last year authorized me to deposit the School Fund, and other surplus funds in the Treasury, with any of the banks of Augusta or Savannah, at interest, upon the best terms I could make with the banks. Under this authority, I was able, on the 14th day of January last, to deposit the sum of \$100,000 with the Bank of Savannah; for which it gave its obligation to pay interest on the amount, at the rate of seven per cent. per annum, till the

third Monday in the present month, which is the time fixed by the statute for the distribution of the fund among the counties. The interest to be received from the bank will be nearly \$6,000, which will be added to the amount to be distributed, together with some \$10,000 of surplus in the Treasury. As an inducement to the bank to take the \$100,000, on these terms, I agreed to give it the benefit of the other deposits of the State, for which it furnishes the Treasurer, without premium, all the Northern Exchange needed in payment of the interest on the public debt, &c. Justice to the Bank of Savannah requires me to state, that it has been prompt and liberal in the discharge of its obligations to the State; and that I was fully convinced, after a correspondence with several other banks in the cities of Augusta and Savannah, in reference to this deposit, that the Bank of Savannah was disposed to act a more liberal part towards the State, for the increase of the School Fund, than any other bank with which I corresponded upon the subject. It was the *first* to obey the law, and make its returns as required by the Act of 1857. I consider it not only a solvent institution, but as prompt and reliable as any bank in the State.

SCHOOL COMMISSIONERS.

The second Section of the School Act of 1858 imposes upon the Grand Jury and Ordinary of each county, the duty of devising a plan for the advancement of education in the county, and gives them absolute control over the application of the fund. This portion of the law would seem to require amendment. The appropriate duties of the Grand Jury connected with the Court, usually require their entire time, while in session; and they cannot, in connection with their other duties, give to this subject the attention which its importance demands. I therefore recommend such change in the law as will transfer this jurisdiction to an intelligent Board of School Commissioners, to be chosen annually by the Justices of the Inferior Court and Ordinary of each county.

SUPERINTENDENT OF EDUCATION AND ORDINARIES.

The School Fund of each County is now paid by the Treasurer of the State to the Ordinary of the county, who is under bond for its proper application and faithful disbursement. The sum now annually distributed is large, and there is no provision of law which requires each Ordinary to report to the Governor or the Legislature, or to any other authority at the Capitol, how he has disposed of the fund in his hands. To prevent any misapplication of this fund, and for the purpose of holding all persons who have control of public money to a strict accountability, I recommend the appointment, in such mode as may be thought best, of a Superintendent of Education for

the State, who shall keep his office in the State House, and to whom every Ordinary in the State shall make annually, a full and complete report of the disbursement of the School Funds which he has received from the Treasury, accompanied by the necessary receipts and vouchers, to be recorded in the office of the Superintendent, in a book or books, to be kept by him for that purpose, with power in the Superintendent to call any Ordinary in the State to an account, at any time; and in case any one shall be found in default, to issue execution immediately against such Ordinary and his sureties, for the sum for which he may be so in default, with 20 per cent. upon the amount till the same be paid. Common prudence would seem to dictate this necessary safeguard, where so large an amount of public money is distributed among so numerous a class of persons.

MODE OF ASCERTAINING THE NUMBER OF CHILDREN.

The statute makes it the duty of the Receiver of Tax Returns, and the Grand Jury, in each county, to ascertain the number of children between the ages of eight and eighteen. It is believed this has not been so successful in practice as the old laws upon the subject of the enumeration of the poor children, which made it the duty of the Justices of the Peace, in their respective Militia Districts, to ascertain the number, under the supervision and control of the Ordinary.

SUBSTITUTION OF NEW STATE BONDS FOR OLD ONES.

I have found it impossible to call in all the bonds of the State in the hands of her creditors, as contemplated by the ninth Section of the School Act, and to issue to the creditors, in lieu of them, other bonds falling due in equal annual installments, till the whole debt is extinguished. The bondholders are under no obligations to return their bonds and receive others of like amount falling due at different times; and many of them refuse to do so.

\$100,547 50 OF BONDS AND INTEREST NOT DUE, AND \$50,-
500 OF BONDS DUE, PAID.

There being a large unexpended balance in the Treasury, after providing for all legal appropriations, including interest upon the public debt, and fifty thousand five hundred dollars of the bonds which fell due during the year, with a view to carry into effect, as far as possible, the objects of the Act, I ordered the Treasurer to give notice, in the public gazettes, that he would redeem, at par, at the Treasury, or in Augusta or Savannah, the bonds of the State not yet due. After several months of advertisement, he was able to find only \$99,-250 of bonds not due, which the holders were willing to part with at par. These he redeemed, together with \$1,-

297 50 of interest which had accrued upon them, which was not yet due.

\$150,000 OF EDUCATIONAL BONDS ISSUED:

As directed by the Statute, I have issued, upon the redemption of these bonds, \$150,000 of new bonds, dated the first day of this month, due twenty years after date, bearing six per cent. interest, payable annually. These bonds are payable to the Secretary of State, as the trustee of the Educational Fund of Georgia, and are deposited in his office; the interest upon which will, in future, be distributed annually as part of the School Fund.

DUTY OF ORDINARIES.

The seventh Section of the School Act authorizes the Governor, before drawing his warrant upon the Treasury for the amount of school fund to which each county is entitled, to direct each Ordinary to furnish him with the number of children in his county between the ages of eight and eighteen—the number taught the elementary branches of an English education, the number taught the higher branches of education, and the rates of tuition in the elementary branches, and in the higher branches, and all other *facts* and *statistics* which the Governor may require said Ordinaries to obtain and return, and which may be deemed useful in aid of future legislation.

Under this Section, I caused circulars to be addressed to all the Ordinaries of this State, calling on them to furnish such facts and statistics as, in my opinion, might be useful in aid of future legislation. Most of the Ordinaries have performed their duty and forwarded the necessary information. Some have, however, made very imperfect returns; and some have made none. It may become my duty to withhold the fund from the counties whose Ordinaries are in default, till they shall have made their returns. In such case, I shall not fail to make known to the people of the county the reason why the fund is withheld, and give them an opportunity, at the ballot-box, to hold the proper officer responsible. The Ordinary in each county has power to withhold the fund from the Teachers till they furnish him with the necessary information. This will, no doubt, be sufficient penalty to enforce performance of duty on their part.

SCHOOL STATISTICS.

Thus far returns have only been received from 102 counties. These returns contain much valuable information. I have had them arranged in a statistical table, which is in this office, and will be at all times subject to the inspection of Members of the Legislature. So soon as the Ordinaries of the other counties shall have made their returns, the ta-

ble will be printed, if desired by the General Assembly. The returns from those 102 counties, furnish the following among other interesting facts. Whole number of children between the ages of 8 and 18—107,825. Number between 8 and 18 taught in 1859,—67,155; total of all persons taught, 79,922; of these 45,090 are males, and 34,832 are females.—Whole number of males taught in the elementary branches 29,238, number of females, 22,681. Whole number of males taught the higher branches, 8,032, females, 7,613. Average tuition, per annum, in the elementary branches, \$15 50, in the higher branches, \$26 00. Whole number of school houses, 1775; number of schools, 1777. Number of Methodist Male Colleges, 4, in which there have been taught 358 pupils; Methodist female Colleges, 4, pupils 524; Baptist Male Colleges, 3, pupils 297; Baptist female Colleges, 4, pupils, 322; Presbyterian Male College, 1, pupils 97; Presbyterian female Colleges, 3, pupils 325; Colleges and High Schools not sectarian, male, 16, pupils, 773, female 16, pupils 1222; number of Academies, 57. Out of the 102 counties 99 have appointed boards to examine teachers, and 1297 teachers have passed an examination. The Ordinaries of only 49 of the counties of this State, have given bonds as required by the statute for the proper disbursement of the school fund. The remaining 83 have not complied with the law, in this particular, and will not be entitled to draw the fund until they have given bond, as directed by the statutes. For the benefit of their constituents, I shall have the names of the defaulters published soon.

SCHOOL TAX COLLECTED BY COUNTIES.

It further appears by these returns, that the proper authorities of only 84 of the 102 counties have levied and collected each a county tax to be added to the school fund of the county. The counties of Clarke and Effingham, have each assessed fifty per cent upon the State Tax for school purposes. This is the highest per cent levied by any county. The county of Meriwether only assessed five per cent upon her State Tax, which is the lowest per cent levied by any one of the 84 counties. The aggregate amount raised by the 84 counties for school purposes, is \$64,997. As each of quite a number of the counties, which draws its just proportion of the amount distributed from the State Treasury, refuses to raise any additional sum by taxation, I recommend such change in the law as will authorize the Governor to withhold from each county in the State, after this year, its proportion of the State fund, till its proper authorities shall have levied and collected a tax of at least twenty five per cent upon the State Tax, to be added to the amount which it receives from the State for educational purposes. Many of the counties would no doubt

raise over 25 per cent, as matter of choice. If each county should assess and collect but 25 per cent, this would amount to about \$100,000; which, added to the \$200,000 distributed from the Treasury, should the annual appropriation be increased as above recommended, would increase the amount of public money to be expended next year for education, to \$300,000, which sum would be still further increased annually from the interest on the bonds to be issued upon the payment of the public debt. ; This \$300,000 annually would be equivalent to six per cent upon a school fund of \$5,000,000, a fund of which any State might justly be proud. Even this, however, would be only three fourths of the annual net incomes to the Treasury from the State Road. Probably no State in the Union is now in a condition to do so much for the advancement of education, with so little of the burdens of taxation to her people. The incomes from her public property, if wisely expended, will enable her to build up a magnificent school fund, while her people pay a smaller tax than the people of any State in the Union.

The past year has been one of prosperity, during which our kind Heavenly Father has bestowed rich blessings upon the people of our noble State. With hearts full of gratitude let us humbly invoke his aid in all our deliberations for the public good.

JOSEPH E. BROWN.

The following message was received from his Excellency the Governor, by Mr. Waters his Secretary :

Mr. President—I am directed by the Governor to deliver to the Senate, a communication in writing, with a number of sealed packages, supposed to contain the returns of the late election for Governor.

Mr. Cone offered the following resolution :

Resolved, That two thousand copies of the Governor's message be printed for the use of the Senate; which was taken up, read and agreed to.

On motion of Mr. Cone the Senate adjourned until three o'clock, P. M.

THREE O'CLOCK, P. M.

The Senate met according to adjournment.

Mr. Holt offered the following resolution :

Resolved, That the chair appoint a committee of three, to wait upon his Excellency the Governor, and the Trustees of the University of Georgia; and inform them that the Senate is ready to receive them, and resolve itself into a Senatus Academicus; which was taken up, read and agreed to. In pursuance of which Messrs. Holt, Seward and Fulton were appointed said committee.

The committee appointed to wait upon his Excellency the Governor, and the Trustees of the State University, having discharged the duty assigned them, report that his Excellency the Governor and the Board were ready to attend.

His Excellency the Governor, the President and Board of Trustees, then appeared and took their seats.

The Senatus Academicus having adjourned, the Senate resumed its session.

On motion of Mr. McGehee, the rules of the Senate were suspended, for the purpose of introducing a bill.

Mr. McGehee introduced a bill to be entitled an act to change the line between the counties of Early and Calhoun; which was read the first time.

Mr. Fulton offered the following resolution :

Resolved, That upon the concurrence of the House of Representatives in this resolution, the General Assembly meet in the Representative Hall, on Saturday the fifth instant, at three o'clock, P. M., for the purpose of electing two Judges of the Supreme Court, to succeed the Hon. Henry L. Benning and the Hon. Linton Stephens, whose terms of office have or will expire before the next session of the Legislature.

On motion the rules were suspended and the foregoing resolution was taken up, read and agreed to.

On motion the same was ordered to be forthwith transmitted to the House of Representatives.

The following message was received from the House of Representatives by Mr. Diamond, their Clerk :

Mr. President :—The House has passed the following resolutions, to-wit :

Resolved, That the Clerk be directed to inform the Senate, that the House will be pleased to receive them at 3½ o'clock this afternoon, in the Representative Hall, for the purpose of counting out, adding up and consolidating the votes polled for Governor at the last election.

On motion, the Senate repaired to the Representative Hall.

The General Assembly then proceeded to count out and add the returns of the several counties of this State—upon which it appeared that Joseph E. Brown was duly elected Governor of Georgia for the ensuing two years ; and was so declared by the presiding officer. The President and members of the Senate then, on motion, returned to their chamber.

Mr. Printup offered the following resolution :

Resolved, That two hundred copies of the documents accompanying the Governor's message, be ordered to be printed for the use of the Senate ; which was taken up, read and agreed to.

Mr. Paine offered the following resolution :

Resolved, That a committee of five be appointed to join a committee of the House to make suitable arrangements for the inauguration of the Governor, and invite distinguished individuals to attend the same ; which was taken up, read and agreed to.

In pursuance of which, the President appointed Messrs. Paine, Seward, Printup, Gartrell and Ward.

On motion of Mr. Seward, the Senate adjourned until 10 o'clock to-morrow morning.

FRIDAY, NOVEMBER 4th, 1859;

Senate met according to adjournment.

Mr. Fulton moved to reconsider so much of the journal of yesterday as relates to the time of bringing on the election of Judges of the Supreme Court.

The President decided, that inasmuch as the Resolution had been ordered to be transmitted to the House of Representatives, the motion was out of order.

Mr. Miller appealed from the decision, and the decision of the Chair was ordered to stand as the judgment of the Senate.

The following message was received from the House of Representatives, by Mr. Diamond, their Clerk.

Mr. President:—The House has passed Resolutions endorsing and approving the course of President Buchanan and Gov. Wise, in the late attempt at Insurrection in the State of Virginia, at Harper's Ferry; and have directed me to transmit the same forthwith to the Senate.

On motion of Mr. Seward, the Rules of the Senate were suspended, and the following bill was read the second time and referred to the Committee of the Whole, to wit:

A bill to be entitled an Act to change the time of holding the Superior Courts in the counties of Lowndes, Brooks and Thomas in the Southern Judicial District.

On motion of Mr. Collier, the Rules were suspended for the purpose of introducing bills.

Mr. Collier introduced a bill to be entitled an act to change the time of holding the general elections in this State, and for other purposes, which was read the first time. Also,

A bill to be entitled an act, to add an additional section to an act, entitled an act, to amend and explain the twenty-ninth section of the Judiciary laws of this State approved the seventh day of December Eighteen hundred and twelve; which was read the first time.

The following Message was received from the House of Representatives by Mr. Diamond, their Clerk.

Mr. President:—I am directed by the House of Representatives to inform the Senate that they have passed resolutions appointing a committee of five to join such committee as may be appointed by the Senate to wait upon the Hon. Joseph E. Brown, and inform him of his election, as Governor of this State, and request his acceptance of the same.

The Speaker appointed as this Committee, Messrs. Tuggle, Lofton, Hopkins, McWhorter and Mintz on the part the House.

Mr. Morris introduced a bill to be entitled an act to make valid all letters of administration by the Ordinary Courts of

this State, where written notice of such application has not been given at the Court House door of said county as required by law. Which was read the first time. Also,

A bill to be entitled an act to authorize the arrest and rendition of persons committing offences against any of the criminal laws of any of the adjoining States to the State of Georgia, and may take refuge within the limits of said State upon certain conditions herem named. Which was read the first time.

Mr. Miller introduced a bill to be entitled an act to define and enlarge the corporate privileges heretofore granted to the first Presbyterian Church of Augusta. Which was read the first time. Also,

A bill to be entitled an act to confer other powers, than those now granted to the Augusta Orphan asylum. Which was read the first time. Also,

A bill to be entitled an act to require Clerks of the Superior Courts to take administrations without giving bond. Which was read the first time.

Mr. Printup offered the following resolution.

Resolved, That a Committee of three be appointed by the President of the Senate to join the committee appointed by the House of Representatives to inform Joseph E. Brown that upon counting out the votes of the recent election, of his election as Governor of Georgia for the next two succeeding years, and ask his acceptance. Which was taken up read and agreed to.

Mr. Atkinson offered the following resolution :

Resolved, That so much of the Executive Message as relates to the Judiciary, be referred to the committee on the Judiciary On Finance, to the committee on Finance. On Internal Improvement, to the committee on Internal improvement. On Education and Free Schools to the committee on public Education and Free Schools. On Banks to the committee on Banks. On Penitentiary to the Committee on the Penitentiary. On the Lunatic Asylum to the committee on the Lunatic Asylum. On the Military to the committee on the Military On Printing to the committee on Printing. On the Deaf and Dumb Asylum to the committee on the Deaf and Dumb Asylum. On the Institution for the Blind. On Federal relations to the committee on the state of the Republic.

Mr. Johnson of Clayton offered the following resolution which was read.

Resolved, That the Senate proceed to the election of a President pro. tem.

On motion the Rules were suspended, and Mr. Ivey introduced a bill to be entitled an act to regulate the school fund

of Habersham county, and for other purposes therein named. Which read the first time.

Mr. Fulton introduced a bill to be entitled an act to regulate the agencies of foreign insurance companies and to provide for the appointment of an insurance commissioner. Which was read the first time.

Mr. Printup introduced a bill to be entitled an act to incorporate a Bank in the city of Rome, to be called the Bank of Rome. Which was read the first time.

Mr. McGehee introduced a bill to be entitled an act to incorporate the town of Perry in Houston county, and to extend the limits of the same, and to repeal an act to incorporate the town of Perry in Houston county, and to define the duties and authorities of the same, passed the twenty-eighth day of December Eighteen hundred and twenty-eight and for other purposes therein named, which was read the first time.

Mr. Spalding introduced a bill to be entitled an act for the relief of the securities of George F. Wing, former Tax Collector of McIntosh County. Which was read the first time.

Mr. Evans introduced a bill to be entitled an act to repeal an act entitled an act to amend the second section of an act entitled an act to repeal the forty-eighth section of the fourteenth division of the penal code in so far as relates to capital cases, and add a new section in lieu thereof, assented to December twenty-seventh, eighteen hundred and forty-three, which was read the first time.

The following Message was received from the House of Representatives by Mr. Diamond, their Clerk.

Mr. President:—I am directed to inform the Senate that the House has appointed Messrs. Lester, Spalding, Thrasher, Harkness and McComb as a committee to co-operate with a similar committee on the part of the Senate, in making suitable arrangements for the Inauguration of the Governor elect, and to invite distinguished persons to attend the ceremonies.

Mr. Fulton moved to have two hundred copies of the bill entitled an act to regulate the agencies of foreign Insurance companies and to provide for the appointment of an Insurance Commissioner, printed for the use of the Senate, which was agreed to.

The following Message was received from the House of Representatives by Mr. Diamond, their Clerk.

Mr. President:—I am directed by the House of Representatives to inform the Senate, that they have adopted a Resolution of the Senate in relation to bringing on the election of certain Judges of the Supreme Court, with an amendment thereto.

Mr. Printup chairman of the committee appointed on the

part of the Senate to join such committee of the House to wait on the Governor elect and notify him of his election, and ascertain whether he accepted the office, and at what time it will suit his convenience to take the oath prescribed by the Constitution of the State, reported that they had discharged that duty, and received for answer that he accepts the office and would be ready to attend in the Representative Chamber at twelve o'clock this day to take the oath of Office prescribed by the Constitution of this State, and of the United States.

Mr. Harris, of Worth, moved to take up a resolution of the Senate bringing on the election for two judges of the Supreme Court as amended by the House.

On motion of Mr. Cone the Senate concurred in the amendment of the House of Representatives.

The following message was received from the House of Representative by Mr. Diamond, their Clerk.

Mr. President:—I am directed by the House of Representatives, to inform the Senate that they are ready to receive them in their Chamber preparatory to the inauguration of the Governor elect.

On motion of Mr. Paine, the Senate adjourned until 3 o'clock, P. M.

By request of the presiding officer, the President and members of the Senate, repaired to the Representative Chamber, and being seated, the Governor elect, the Hon. Joseph E. Brown, was introduced by the joint committee and attended by the State House officers, and other distinguished citizens, when he addressed the General Assembly, and took the oath prescribed by the constitution of the State and of the United States.

THREE O'CLOCK, P. M.

Senate met according to adjournment.

The Hon. Wm. S. Johnson, Senator elect, from the county of Chattahoochee appeared and was sworn in by the President and took his seat.

Mr. Paine, chairman of the committee to revise and amend the rules of the Senate, made the following report, which was read. •

The committee appointed to revise and correct the rules of the Senate, beg leave to make the following report.

In the 3rd rule, strike out the words, "or read any printed paper."

In the 12th rule, the words added, unless by the consent sent of the Senate.

In the 21st rule, strike out the word four, and add the words "the following," and that the committees shall be—

Committee on privileges and Elections.

On Petitions.

On Enrollment.

On Journals.

On the state of the Republic.

On the Judiciary.

On Finance.

On Internal Improvements.

On Education and Free Schools.

On Banks.

On Penitentiary.

On Lunatic Asylum.

On the Military.

On Printing.

On Deaf and Dumb Asylum.

On the Institution for the Blind.

On Amendments to the Constitution.

Auditing Committee.

Engrossing Committee.

And Committee on new counties and county lines.

Mr. Cooper gave notice that on to-morrow, he should move the adoption of said report.

Mr. Evans offered the following resolution which was agreed to.

Resolved, That the Chair appoint a committee of three to wait upon his Excellency the Governor and the Trustees of the University of Georgia, and inform them that the Senate is ready to receive them, and resolve itself into *Senatus Academicus*.

In pursuance of which, Messrs. Evans, Lawton and Griffin of Twiggs were appointed said committee.

The committee appointed to wait on His Excellency the Governor and the Trustees of the State University, having discharged the duty assigned them, reported that His Excellency the Governor and Board were ready to attend.

His Excellency the Governor, the President and Board of Trustees then appeared and took their seats.

The *Senatus Academicus* having spent some time in the transaction of its ordinary business, the Governor and Board of Trustees retired, and the Senate resumed its session.

On motion of Mr. Cooper the Senate adjourned until ten o'clock to-morrow morning.

SATURDAY, NOVEMBER 5th, 1859.

Senate met according to adjournment.

On motion of Mr. Seward the rules of the Senate were suspended, and the Senate took up as the report of the committee of the whole.

A bill to be entitled an act to change the time of holding the Superior Courts in the counties of Lowndes, Brooks, and Thomas in the Southern Judicial District.

The report was agreed to.

The bill was read the third time and passed.

On motion of Mr. Seward, the Secretary was directed to transmit said bill forthwith to the House of Representatives.

On motion of Mr. Miller, the following preamble and resolutions previously offered by him were taken up and read.

Whereas the late attempt at Harper's Ferry in the State of Virginia to excite a portion of the slaves of the South to insurrection, has produced the highest degree of indignation in the minds of the Southern people against the perpetrators of that outrage, their aiders, abettors, and affords just ground to apprehend a renewal of their efforts in other places.

And whereas the action of Governor Wise and President Buchanan meets with our unqualified approbation, we deem it incumbent upon the members of the Legislature of the State of Georgia to give the most authoritative expression of their sentiments, Therefore

Resolved, That we regard the effort to excite the slaves of the South to a servile insurrection with the most intense indignation, and trust that the parties to this insane and treasonable plot may meet with the most prompt and signal punishment, believing as we do, that while it will be meeting out a just retribution for their crime, it will exert a wholesome influence in deterring others from countenancing similar movements.

Resolved, That the prompt and energetic action of Gov. Wise of Virginia, and President Buchanan in suppressing the outbreak at Harper's Ferry, and in their efforts to capture the insurgents, evince a degree of manliness and patriotism, honorable alike to them, and worthy of our warm admiration, as citizens of a Southern State.

Resolved, That we pledge the State of Georgia to uphold and support the State of Virginia, and the President of the United States in the position they have assumed in connection with this unfortunate affair, and we earnestly counsel the utmost vigilance in guarding against the recurrence of a similar conspiracy in our own borders.

Resolved, That a copy of the foregoing preamble and resolu-

tions be transmitted by the Governor of Georgia to the Governor and Legislature of Virginia, and to the President of the United States.

Mr. Hill of Troup moved to amend the second resolution by striking out, citizens of a Southern State, and by inserting "the representatives of one of the States of this Confederacy." Which was agreed to.

Mr. Sturgis moved further to amend the resolutions by changing the collocation of the words "President Buchanan and Governor Wise," wherever they occur in the preamble and resolutions. Which was agreed to.

Mr. Sturgis moved further to amend the first resolution by striking out the words "insane and," which was agreed to.

On motion of Mr. Miller. the resolutions as amended were unanimously agreed to.

On motion of Mr. Fulton, the Secretary was directed to transmit said resolutions forthwith to the House of Representatives.

The following message was received from the House of Representatives by Mr. Diamond their Clerk.

Mr. President:—I am directed by the House of Representatives to inform the Senate, that they are now ready to receive the Senate in the Representative Hall for the purpose of going into the election of State House officers and State Printer.

The following message was received from the House of Representatives by Mr. Hillyer their Clerk *pro. tem.*

Mr. President:—I am requested by the House of Representatives to inform the Senate, that they have granted leave of absence to their Clerk, Mr. James J. Diamond, for a few days, and that they have chosen George Hillyer, Esq. of the county of Walton, Clerk *pro. tem.* during Mr. Diamond's absence.

Mr. Robinson from a special committee reported as duly enrolled, and signed by the Speaker of the House of Representatives, the President of the Senate and His Excellency the Governor, the joint resolution bringing on certain elections therein named this day at 10 o'clock, A. M.

On motion of Mr. Cone the Senate repaired to the Representative Hall, and after being seated the General Assembly proceeded to the election of a Secretary of State, when on receiving and counting out the ballots it appeared that E. P. Watkins, Esq., of the county of Fulton, was duly elected.

They then proceeded to the election of Treasurer, when on receiving and counting out the ballots it appeared that

John B. Trippe of the county of Baldwin was duly elected.

They then proceeded to the election of Comptroller General, when on receiving and counting out the ballots it appeared that Peterson Thweatt, Esq., of the county of Baldwin was duly elected.

They then proceeded to the election of a Surveyor General when on receiving and counting out the ballots it appeared that A. J. Bogges of the county of Carroll was duly elected.

They then proceeded to the election of a Director for the Bank of the State of Georgia, when on receiving and counting out the ballots it appeared that Solomon Cohen of the county of Chatham was duly elected.

They then proceeded to the election of State Printer, when on receiving and counting out the ballots it appeared that Boughton, Nisbet & Barnes of the county of Baldwin was duly elected for two years, from the first of October, 1861.

The Senate then on motion repaired to their Chamber, and on motion of Mr. Spalding the Senate then adjourned until Monday morning next at 10 o'clock, A. M.

MONDAY, NOVEMBER 7th, 1859. }
10 O'CLOCK, A. M. }

The Senate met according to adjournment.

Mr. Cone moved to suspend the rules for the purpose of taking up the report of the committee appointed to revise the Rules of the Senate, which was agreed to.

Mr. Holt moved to amend the report by inserting in the first Rule, after the word "present" the words "to ascertain which, the President may order the roll to be called, which shall otherwise be omitted." Which was agreed to.

Mr. Spalding moved further to amend the report by adding the following words to the 21st Rule to wit: "And that no addition shall be made to the standing committees of the Senate except by a vote of two thirds."

Mr. Faine moved to amend the amendment by adding the following words thereto, to wit: "And the minority of any committee shall have a right to report provided the majority shall fail to do so, within a week after reference," which was agreed to.

The amendment as amended was then agreed to.

Mr. McGehee moved further to amend the report by inserting in the 21st Rule as one of the committees, a committee on Agriculture, which was agreed to.

Mr. Seward moved further to amend the report by adding at the end of the 23rd Rule, the words, "and all the unfinished business of the first session of the Senate, shall be first in order upon the assembling of the General Assembly at its second session."

Upon agreeing to which motion, Mr. Seward required the yeas and nays which being recorded were yeas 61 nays 56.

Those who voted in the affirmative were Messrs.

Allred, Atkinson, Barclay, Batts, Boggs, Bond, Burnett, Byars, Carter, of Echols, Carter, of Elbert, Cloud, Collier, Cooper, Cowen Crittenden. Fulton, Gartrell, Griffin, of Twiggs, Harvin, Head, Hightower, Hill, of Troup, Hill, of Wilkes, Hines, Hitchcock, King, Kirby, Lawton, Lockhart Lott, Maddox, Maples, Matthews, Merrill, McDuffie, McGeehee, McRae, Moore, of Whitfield, Printup Quillian, Robinson, Roberts, Seward, Shellnut Sheppard, Sirman, Summerour, Sweat, Tatum, Tillman, Turner, Usry, Ward, Wellborn, Wells, Williams, of Berrien, Williams, of Rabun, Williams, of Terrell, Wilson, Wynne, Young.—Yeas 61.

Those who voted in the negative were,

Messrs. Alexander, Barrow, Billups, Briscoe, Brown, Cannon, Chester, Cook Cone, Davis, Delapierre, Denham, Donaldson, Glover, Grice, Griffin, of Brooks, Hackett, Hall, Hart, Harris, of Dougherty, Harris, of Worth, Hood, Hutchins, Hyde, Ivey, Jamison, Johnson, of Chattahoochee, Johnson, of Clayton, Johnson, of Cass, Jones, Jordan, Lamar, Lenoir, Morris, Oliver, Paine, Poole, Pruitt, Reid, of Morgan, Reid, of Taliaferro, Riley, Ritch, Rushin, Sawyer, Shelton Smith, of Hancock, Smith, of Talbot, Snell, Spalding, Stowers, Sturges, Tracy, Trippe, Walker, White, Whitehurst.—Nays 56.

So the motion prevailed.

The report of the committee as amended was then agreed to, and the rules adopted as amended.

Mr. Hall moved to suspend the rules for the purpose of introducing a bill, which was agreed to.

Mr. Hall introduced a bill to be entitled act to amend an act to incorporate the Savannah, Griffin and North Alabama Railroad Company, assented to on the 11th day of February 1858, and to repeal sections, seven, eight, and nine of said act, and to substitute two additional sections in lieu thereof, which was read the first time.

Mr. Smith, of Talbot, moved further to suspend the rules to introduce a bill, which was agreed to.

Mr. Smith of Talbot introduced a bill to be entitled an act to authorize the administrators of Henry Snelling and

Jesse Story to sell the real estate of their intestate, on the first Tuesday in December next, which was read the first time.

Mr. Hill of Troup, moved further to suspend the rules, which was agreed to.

Mr. Hill of Troup, introduced a bill to be entitled an act to authorize Guardians of insane persons to be made parties to suits brought by deceased Guardians, which was read the first time.

Also a bill to be entitled an act to amend an act entitled an act to regulate the granting of new trials, approved February 20th, 1854, which was read the first time.

Also a bill to be entitled an act to amend the laws of this State regulating the admission of testimony in certain cases, which was read the first time.

On motion the rules were suspended and the roll was called alphabetically for the purpose of introducing bills.

Mr. Barclay introduced a bill to be entitled an act to repeal an act entitled an act to increase the salaries of the Executive and the Judges of the Supreme Courts and the Superior Courts of this State, assented to December, 22d, 1857, which was read the first time.

Also a bill to be entitled an act to compensate Commissioners for taking interrogatories and to provide for the payment of witnesses examined before them, which was read the first time.

Also the following resolution, which was read.

Resolved by the Senate and House of Representatives of the State of Georgia in General Assembly met, that our Senators in Congress be instructed and our Representatives requested to use their influence to procure the passage of a bill pensioning the officers and soldiers of the war of 1812 and the Indian wars growing out of it, having due regard to the terms of their respective service, and that the Executive be, and he is hereby requested to forward copies of this resolution to our Senators and Representatives as soon as it shall have passed both branches of the Legislature.

Mr. Billups introduced a bill to be entitled an act to incorporate the agricultural society of Clark county and to confer certain powers and immunities on the same, which was read the first time.

Also a bill to be entitled an act to regulate the freight of lime for agricultural purposes when transported on the Western and Atlantic Railroad, which was read the first time.

Also a bill to be entitled an act to repeal the fourth and seventh sections of the first article of the Constitution of

the State of Georgia, and to add an additional section and for other purposes, which was read the first time.

Mr. Briscoe introduced a bill to be entitled an act to change and regulate the fees of the Attorney General and Solicitors General of this State, which was read the first time.

Mr. Brown introduced a bill to be entitled an act for preventing the sale of cards for the purpose or object of gaming and other purposes, which was read the first time.

Mr. Burnett introduced a bill to be entitled an act to alter, change and define the lines between Early and Clay counties, which was read the first time.

Mr. Cannon introduced a bill to be entitled an act to amend an act entitled act to alter and amend the road laws of this State so far as relates to the county of Wayne, assented to December, 22d, 1857, which was read the first time.

Mr. Collier introduced a bill to be entitled an act to authorize the Mayor and Council of the city of Atlanta, to take charge of the enclosed ground lying between the general Passenger depot and Decatur street and the Atlanta Hotel and Loyd street, in the city of Atlanta for the purpose of beautifying and ornamenting the same to be used as a Rail Road Park, which was read the first time.

Mr. Crittenden introduced a bill to be entitled an act to incorporate the town of Ellaville in Schley county, which was read the first time.

Mr. Dellapiere presented the following memorial of John J. Flournoy, which was read.

To the Honorable the Senate and House of Representatives of the General Assembly of the State of Georgia :

Your petitioner, John J. Flournoy, respectfully sheweth that having himself in the year 1833-4 (eighteen hundred and thirty-three or four,) memorialized the Legislature, with success for the benevolent establishment of a plan of educating the indigent Deaf and Dumb of the State, which was done by sending them to the American Asylum at Hartford ; and subsequently by inaugurating the Asylum at Cave Spring in this State, he had taken no farther action on the subject, but left it to the arrangement of the State and her agents, for accomplishing this desideratum, because he did not wish to appear presuming, but at this time allowing that each or almost all of the Southern States have an Asylum for the purpose of its own, to wit : Virginia, Kentucky, Tennessee, Georgia, the two Carolinas, Alabama and Louisiana, he thought it his duty as the original mover of the plan in Georgia, to give some views in relation to the matter, so as to enable the Legislature to better carry on the system of Deaf Mute instruction, if in its opinion the suggestion be of any importance. Deaf Mute Schools unlike

all others are carried into operation by great expense and require for success from the nature of the case, a large number of pupils, and the concentration of much means on one spot. If therefore, every State have a school of its own, there would be gathered there but a few pupils and the money expended for capable teachers, will be enough to have provided for a larger number: besides there is no concentration of funds from several States to purchase apparatus, library, and other requirements of the Institution.

Your memorialist (who must be a veteran in the matter,) himself suggests to the consideration of your Honorable body, the idea of proposing to the States of South Carolina, Tennessee, Alabama, Mississippi and Florida, the propriety of concentrating scholars and funds upon one Institution of this nature, in one of these States, whereby the same can be enlarged, and better provided for, and at less cost to the several States, because fewer teachers comparatively will be needed, and because having more students and better payment for the tuition of many instructors of the highest capacity can be advantageously engaged and secured.

The American Asylum at Hartford, Connecticut, which is the parent Institution of all the others, and the best in the United States teaches all the Deaf and Dumb children of New England; which comprises five States. It has facilities for giving to the mute population of these States a very high order of learning, to wit; by the department of a Gallandet class. Scholars stay in that school sometimes seven years. Their education is very accomplished; as the number of pupils from two to hundred and seventy, justify the concentration of means. It was the error of inexperienced gentlemen which devised a separate school in every State for this class of the people, whose instruction is necessarily radically different from the process of teaching, hearing children on examination and comparison of the two modes would exhibit the fact.

The only bar in the way to the congregation of Deaf pupils from several States in one place is the distance of the journey, to say nothing of the fondness of parents for retaining mute children at home in ignorance. This objection is now much obviated by the easy facilities for travel established all over the State.

By bringing many together, the pay of the school master is more and the facility of learning greater and more perfect for the beneficiary of the State. And to this consideration I respectfully beg leave to call the attention of the Senate and the House.

And so your petitioner will ever pray,

JOHN J. FLOURNOY;
of Jackson county.

Mr. Gärtrell offered the following resolution which was read.

Resolved, That, that portion of the Governor's message which relates to a change in the Constitution of this State so as to reduce the number of Senators and Representatives, be referred to a special committee of eight to be appointed by the chair, composed of one Senator from each Congressional District, whose duty it shall be to consider the entire questions involved in such change and report to the Senate by bill or otherwise.

Mr. Hall introduced a bill to be entitled an act to provide for the proof of Wills in solemn form and to declare the effect of such proof and for other purposes therein mentioned, which was read the first time.

Mr. Harris, of Dougherty introduced a bill to be entitled an act to repeal the seventh section of an act entitled an act to incorporate and grant certain privileges and powers to the Newnan Guards in the Town of Newnan, Coweta county and for other purposes therein mentioned, and to repeal the fourth section of an act to regulate the compensation of Jurors in the county of Jefferson and for other purposes therein named, which was read the first time.

Also a bill to be entitled an act to compensate the grand and petit jurors of the county of Dougherty, which was read the first time.

Mr. Harris of Worth introduced a bill to be entitled an act to pardon William A. Choice, of the county of Fulton, now under sentence of death for the crime of murder, which was read the first time.

Also a bill to be entitled an act to repeal an act entitled an to change the lines between the counties of Dougherty and Worth, assented to December 11th, 1858.

Mr. Harris of Dougherty, raised a point of order, there being no petition accompanying said bill.

Mr. Harris of Worth, stated that at the time the bill he desired to repeal was passed he was absent from the Senate in attendance on the judiciary committee, and was opposed to the passage of the bill, and the rule should not apply to the bill just read.

The President decided that the bill was out of order under the rules of the Senate.

Mr. Harris of Worth gave notice that he would move tomorrow to rescind the rule.

Mr. Harven introduced a bill to be entitled an act to appropriate the fees of Solicitors General to county purposes and to increase their salaries, which was read the first time.

Also a bill to be entitled an act for the relief of Amy Clark, who was a widow in 1843, which was read the first time.

Mr. Holt introduced a bill to be entitled an act to alter and amend the several acts relative to the probate of Wills granting letters of administration and for other purposes therein specified, which was read the first time.

Also a bill to be entitled an act to define the duties of Sheriffs and for other purposes, which was read the first time.

Also a bill to be entitled an act to incorporate the Georgia Insurance Company, which was read the first time.

Also a bill to be entitled an act to amend an act approved March 5th, 1856, entitled an act to authorize persons to submit controversies to arbitration declaring how arbitrators shall be chosen, prescribing their powers, regulating the manner in which their proceedings shall be conducted and for other purposes therein mentioned, which was read the first time.

Mr. Hyde introduced a bill to be entitled an act to alter and amend the tax laws so far as to exempt all free white male citizens of this State from the payment of poll tax after they shall have arrived at the age of forty-five which was read the first time.

Mr. Johnson of Chattahoochee introduced a bill to be entitled an act to incorporate the Planters Rail Road Company and for others purposes therein named, which was read the first time.

Also a bill to be entitled an act to legalize the marriage of Lawson Cody and Frances E. Cody formerly Frances E. Adams, and for other purposes, which was read the first time.

Mr. Johnson of Clayton introduced,

A bill to be entitled an act to amend the judiciary act of this State and to direct the manner of making Trustees parties, plaintiffs or defendants in all suits or actions now pending or that may hereafter exist in the several Courts in this State, which was read the first time.

Also a bill to be entitled an act to authorize plaintiffs to hold to bail in cases sounding in damages without first procuring an order for that purpose, which was read the first time.

Mr. Kirby introduced,

A bill to be entitled an act to amend the claim laws of this State, which was read the first time.

Also a bill to be entitled an act amendatory of the Judiciary laws of this State; and for other purposes, which was read the first time.

Also a bill to be entitled an act to authorize juries in all

actions for damages to allow interest on the same and for other purposes, which was read the first time.

Also a bill to be entitled an act to authorize juries to assess damages in matters of illegalities upon certain conditions, which was read the first time.

Mr. Lawton introduced,

A bill to be entitled an act to amend an act approved on the 18th day of February, in the year 1854, entitled an act to charter the Charleston and Savannah Rail Road and to authorize suits against the same, and certain other Railroads therein specified and for other purposes, which was read the first time.

Also a bill to be entitled an act to constitute and declare Margaret Marshall Barclay the adopted daughter of Mary M. Marshall of the county of Chatham, the legitimate heir of the said Mary M. Marshall and to enable her to inherit the property of the said Mary M. Marshall, and for other purposes, which was read the first time.

Mr. Lockhart introduced,

A bill to be entitled an act to alter and amend an act incorporating the Town of Lincolnton and the several acts amendatory thereof to confer additional powers upon the commissioners in relation to raising revenue, the preservation of good order the regulation of license for vending spirituous liquors within the corporate limits and prescribing the qualification of voters and for other purposes, which was read the first time.

On motion of Mr. Smith of Talbot the Senate adjourned until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The Senate met according to adjournment.

Mr. Matthews introduced,

A bill to be entitled an act to amend and consolidate several acts which have been passed in relation to the powers and privileges of the corporation of the city of Griffin and for the purposes therein mentioned, which was read the first time.

Mr. Merrill introduced,

A bill to be entitled an act to legalize the holding of Carroll Superior Court at last term and to make valid all the proceedings of said Court, which was read the first time.

Mr. Morris, introduced,

A bill to be entitled an act to amend the 10th section of the 10th division of the penal laws of this State, which was read the first time.

Also a bill to be entitled an act to repeal an act, assented to 11th day of December 1858, to abolish imprisonment for debt upon certain conditions therein named, and for other purposes, which was read the first time.

Mr. McGehee introduced,

A bill to be entitled an act to incorporate the Southern Rights Guards of Houston county, which was read the first time.

Mr. Hackett introduced,

A bill to be entitled an act to limit the lien of judgments rendered in any of the Courts of this State, which was read the first time.

Mr. Hutchins introduced,

A bill to be entitled an act to repeal so much of the first section of an act entitled an act to appoint county Treasurers and to define their duties, approved December 24th 1825, as relates the appointment of said officers by the Justices of the Inferior Court of the State and to authorize their election by the people so far as relates to the county of Forsyth, which was read the first time.

Mr. Paine introduced,

A bill to be entitled an act to alter and change the time of holding the Superior Courts for the counties of Wilcox, Telfair, Irwin and Berrien, which was read the first time.

Also a bill to be entitled an act to give to the Inferior Court of the county of Telfair power to appoint some fit and proper person to receive and receipt for the amount of money which said county is entitled to under the act to provide for the education of the children of this State, assented to December 11th, 1858, when the Ordinary refuses or neglects to give bond in terms of the law, which was read the first time.

Mr. Paine offered the following resolution which was read.

Resolved, That the President appoint a committee of five to join such committee as may be appointed by the House of Representative to examine and report upon the several returns of the census, taken during the present year.

Mr. Poole introduced,

A bill to be entitled an act to amend an act to provide for the education of the children of this State between certain ages, and to provide an annual sinking fund for the extinguishment of the public debt, assented to December 11th 1858, so far as the same relates to the county of Hall, which was read the first time.

Mr. Printup introduced,

A bill to be entitled an act to add an additional section to the eleventh division of the penal code, which was read the first time.

Also a bill to be entitled an act to change the line between the counties of Floyd and Polk, which was read the first time.

Mr. Prewit introduced,

A bill to be entitled an act to change the line between the counties of Hall and Banks, which was read the first time.

Mr. Rushin introduced

A bill to be entitled an act to compensate Petit Jurors in the county of Marion and to provide for the payment of the same, which was read the first time.

Mr. McDuffie introduced,

A bill to be entitled an act to add the county of Wilcox to the second Congressional District, which was read the first time.

Mr. Seward introduced,

A bill to be entitled an act to incorporate the Thomasville manufacturing, agricultural and commercial association and other purposes, which was read the first time.

Mr. Sturgis offered the following memorial which was read.

To the the Honorable Senators and Representatives of the Legislature of the State of Georgia in Legislative session assembled at Milledgeville, 1859.

We the residents of the 68th District, in Burke county, and 37th, 38th and 260th Districts in Scriven county, petition your Honorable body to be cut off from the above named counties and by your legislative act organized into a new county to be called

We would respectfully show that we occupy a territory of over two hundred square miles, bounded North by the 66th District in Burke county, East by the Savannah River, and West by brier Creek, and South by the confluence of the Savannah river, and brier Creek with a slave population of over two thousand, and an aggregate taxable property of over one million and three quarters of dollars of Taxable property.

We would further show that we labor under many inconveniences and disadvantages, situated as far as numbers of us are from our respective county sites.

Some of us in the 68th District of Burke county are from 25 to 32 miles from Waynesboro the county site of Burke county, and are illy able to bear the expense of attending to the calls made on us, on public business the greater portion of us having to toil individually for the support of ourselves and families, and to have to attend as jurors or otherwise at the time we are attending to making our crops is manifestly much to our disadvantage, whereas if our county site was within a reasonable distance we could attend to our public duties without detriment to our interest.

Thus it is with us of the above district in Scriven county, some of us are from 18 to 23 miles from Sylvania the county site of our county, and we labor under other disadvantages.

By reference to the Tax digest will show a good portion of the taxes of Scriven county are paid by the above named districts, and yet we are never benefitted by any portion of it, or are we allowed a representation in the affairs of the county. All of its officers whether State or county are invariably chosen from the other portions of the county, and it is literally taxation without Representation which you know gentlemen is illy digested by freemen.

We are fully aware that our petition will be opposed by some of the citizens of both counties, but we further know that there are others also who are just as much and fully appreciate our position who advocate our course. With those who oppose us 'tis a matter of interest they wanting the taxes of us to support the county affairs yet allowing us no benefits, also, for the building up of the villages at the county sites in which we have no measure of interest.

In granting us our petition for a new county, gentlemen, you will not create a pensioner on the State fund. We feel fully assured that we can sustain ourselves without State aid. We do hope gentlemen, that you will take a just view of our petition and its grounds, irrespective of those who oppose us in our petition and grant us the boon which we ask of your wisdom and justice and relieve us from being hewers of wood and drawers of water for the other portions of the counties of Burke and Scriven, which we earnestly but respectfully pray.

Mr. Sturgis offered the follow resolution which was read.

Resolved, That the President of the board of Trustees of the University of Georgia be requested to lay before the Senate at his earliest convenience the plan adopted at the last session of the Senatus Academicus for the reorganization of the University and that a certified copy of this resolution be sent to him by the Messenger of the Senate.

Mr. Turner introduced,

A bill to be entitled an act to increase the number of hands liable to do road duty, which was read the first time.

Also a bill to be entitled an act to compensate the petit jurors of Putnam county for their services, which was read the first time.

Mr. Trippe introduced,

A bill to be entitled an act to repeal an act entitled an act

to regulate the granting of new trials, approved February 20th. 1854, which was read the first time.

Mr. Wellborn introduced,

A bill to be entitled an act to incorporate the town of Warenton in Warren county and to provide for the election of commissioners for the same and for other purposes therein named, which was read the first time.

Mr. Whitworth introduced,

A bill to be entitled an act to compensate the Grand and Petit Jurors of the county of Palding, and for other purposes therein mentioned, which was read the first time.

Mr. Williams, of Terrell, introduced.

A bill to be entitled an act to change the time of holding the Superior Courts of Terrell county, which was read the first time.

Mr. Younge introduced,

A bill to be entitled an act to prohibit persons from poisoning fish in the water courses of Irwin County for the purposes of killing fish, which was read the first time.

Mr. Johnson introduced,

A bill to be entitled an act to authorize A. C. Trinell administrator of Andrew M. Hamilton deceased to sell the the negroes of his intestate on the first Tuesday in January next, which was read the first time.

Mr. Holt offered the following resolution which was read, taken up and agreed to :

Resolved, That two hundred copies of the testimony in the case of the State against William A. Choice, convicted of murder and for whose pardon a bill has been introduced be published with the charge of the Court for the use of the Senate.

Leave of absence was granted to Messrs. Miller, Tarver and Bartlett for a few days on special business including to-day.

On motion of Mr. Harris of Worth, the Senate adjourned until ten o'clock to-morrow morning.

TUESDAY, NOVEMBER 8th, 1859.

Senate met according to adjournment.

Mr. Cone moved to reconsider so much of the Journals of yesterday as relates to the adoption of the report of the Committee to revise the rules of the Senate, as amended.

Which was agreed to.

Mr. Harris of Worth, moved to take up the report of the committee to revise the rules.

Which was agreed to.

Mr. Cone, moved to refer said report to a select committee of seven.

Which was lost.

Mr. Trippe, offered in lieu of Mr. Seward's amendment to the 23d rule (which had been previously offered) the following as a substitute to-wit:

"The Secretary shall preserve the unfinished business at the close of the present session, subject to the order of the Senate at the next session."

Mr. Seward, moved to postpone the whole indefinitely.

Which was lost.

Mr. Trippe, moved the adoption of the substitute.

Which was agreed to.

Mr. Harris of Worth, moved to amend the 26th rule by striking out so much thereof as requires the "written application of persons whose residence is sought to be changed by the alteration of county lines."

Which was agreed to, and the rules as amended were adopted.

Mr. McGehee, moved that two hundred copies of the rules be printed for the use of the Senate.

Which was agreed to.

The following message was received from the House of Representatives, by Mr. Hillyer their Clerk, pro tem.

Mr. President :—The House of Representatives has passed the following bills.

A bill to authorize the Inferior Court of Richmond county to levy an extra tax, &c.

Also, a bill to incorporate the "Lucy Cobb Institute" for the education of young ladies, in the town of Athens.

Also, a bill to be entitled an act to amend the Charter of the South Western Railroad Company, and to authorize an increase of the capital stock of said Company.

Mr. McGehee, offered the following resolution which was read.

Resolved, That so much of his Excellency the Governor's message as relates to a mineralogical and Geological Survey of the State, be referred to a committee of three appointed by the President of the Senate, to confer with similar committee appointed by the House with instructions to report by bill or otherwise.

Mr. Cone, offered the following resolution which was taken up and read.

Resolved, That one thousand copies of the report of the Comptroller General, be purchased for the use of the Senate.

Mr. Johnson of Chattahoochee, offered the following as a substitute for Mr. Cone.

Resolved, That two thousand copies of the Comptroller's Report be procured for the use of the Senate.

Mr. Evans, moved to amend the substitute by striking out words "two thousand" and inserting "one hundred and thirty-two."

Which was lost.

On a motion to agree to the resolution,

Mr. Hill of Troup, required the yeas and nays, which being recorded were yeas 42, nays 75.

Those who voted in the affirmative were,

Messrs. Atkinson, Barclay, Barrow, Burnett, Byars, Cannon, Carter of Echols, Collier, Cone, Davis, Gartrell, Green Hackett, Hall, Hart, Head, Hightower, Hood, Hutchins, Ivey, Jamison, Johnson of Chattahoochee, Johnson of Clayton, Johnson of Cass, Jones, Jordan, Lott, McDuffie, McGehee, Printup, Pruitt, Ritch, Rushin, Sawyer, Shellnut, Spalding, Sturges, Summerour, Turner, Usry, Williams of Berrien, Young.

Those who voted in the negative were,

Messrs. Alexander, Allred, Batts, Billups, Boggs, Bond, Brown, Carter of Elbert, Chester, Cloud, Cooper, Cook, Cowen, Crittenden, Delapierre, Denham, Donaldson, Evans, Flewellen, Fulton, Glover, Griffin of Brooks, Griffin of Twiggs, Harris of Dougherty, Harris of Worth, Haryin, Head, Hill of Sumter, Hill of Troup, Hill of Wilkes, Hines, Hitchcock, Holt, Hyde, Kirby, Lawton, Lenoir, Lockhart, Maddox, Maples, Matthews, Merrill, McRae, Moore of Whitfield, Morris, Oliver, Paine, Poole, Quillian, Reid of Morgan, Reid of Taliaferro, Riley, Roberts, Seward, Sheppard, Sirman, Smith of Hancock, Smith of Talbot, Snell, Sweat, Tatum, Tillman, Tracy, Trippe, Walker, Wallace, Ward, Wellborn, Wells, White, Whitehurst, Whitworth, Williams of Rabun, Williams of Terrill, Wilson, Wynne,

So the motion did not prevail.

Mr. Barclay, introduced "a bill to be entitled an act to recover real property, and the rents and profits thereof, and to extend the statutes of Jeofails, and amendments to an act entitled an act to simplify and curtail pleadings at law passed December, 27th, 1847"

Which was read the first time.

Mr. Carter, introduced "a bill to be entitled an act to change the line between the counties of Elbert and Hart"

Which was read the first time.

Mr. Cooper, introduced

"A bill to be entitled an act to authorize the administrators of the estate of James Young, Sen. deceased, of Bulloch county, to advertise and sell the property of said estate, and to make titles to the same"

Which was read the first time.

Mr. Cook, introduced

"A bill to be entitled an act to change the line between the counties of Sumter and Macon, so as to change the residence of George Walker, from the county of Sumter to the county of Macon"

Which was read the first time.

Mr. Denham, introduced

"A bill to be entitled an act to prevent the sale of spirituous liquors in the town of Fayetteville, within one half mile of the Court House in any quantity under ten gallons only on conditions therein named"

Which was read the first time.

Mr. Donaldson, introduced

"A bill to be entitled an act to amend the caption of an act, to change the county line of Ware and Pierce, assented to December 11th, 1858"

Which was read the first time.

Mr. Eyans, introduced

"A bill to be entitled an act to confer certain privileges upon William Cade of the county of Chattahoochee to make lawful his acts and give him authority to transact business as though he was twenty-one years of age and for other purposes"

Which was read the first time.

Mr. Gartrell, introduced

"A bill to be entitled an act to change the eighteenth section of the fourteenth Division of the Penal Code of this State, and for other purposes"

Which was read the first time.

Also, "a bill to be entitled an act to require the Judges of the Superior Courts of this State to alternate, and to provide for the same"

Which was read the first time.

Mr. Hill of Troup, introduced

"A bill to be entitled an act to confer additional powers upon the Mayor and Council of the city of LaGrange, to regulate the rate of taxation in said city and to grant certain exemptions to the diligent Firemen of LaGrange"

Which was read the first time.

Mr. Hill of Wilkes, introduced

"A bill to be entitled an act to amend the 13th section of the 13th Division of the Penal Code of the State of Georgia, so as to increase the penalty for selling and furnishing intoxicating liquor to slaves and free persons of color"

Which was read the first time.

Mr. Hitchcock, introduced

"A bill to be entitled an act to alter and change the line between the counties of Jackson and Madison"

Which was read the first time.

Mr. Johnson of Chattahoochee, introduced

“A bill to be entitled an act to amend the Divorce laws of this State and for other purposes”

Also, “a bill to be entitled an act to alter and amend an act entitled an act to point out the mode for the collections of rents, approved December 16th, 1811, and for other purposes”

Which was read the first time.

Also, a bill to be entitled an act to authorize A. R. Lowe, a minor of the county of Chattahoochee to receive of his Guardian his entire property of what kind soever and to manage and control the same, and to do other things and acts therein named and for other purposes.

Which was read the first time.

Mr. Brown, introduced

Also, “a bill to be entitled an act to reduce the amount of the Jurisdiction of the Justices of the Peace”

Which was read the first time.

Also, “a bill to be entitled an act for the relief of Gideon Watson, Jr., of the county of Dooly and for other purposes”

Which was read the first time.

Mr. Johnson of Clayton, introduced

“A bill to be entitled an act for the relief of the estate of Samuel Martin late of the county of Fayette, deceased”

Which was read the first time.

Also “a bill to be entitled an act to incorporate the town of Jonesboro’ in the county of Clayton, to provide for the State of Georgia election of Commissioners, Marshall and Clerks, and for other purposes herein mentioned”

Which was read the first time.

Mr. Cannon, introduced

“A bill to be entitled an act to compell all persons owning uncultivated land within the Lottery Districts in the to return and pay tax for the same in the county where the land lies, which was read the first time.”

Mr. Lawton, introduced

“A bill to be entitled an act to authorize the consolidation of the Stock of the Milledgeville and Gordon Railroad Company, with the stock of the Central Railroad and Banking Company of Georgia, and also to authorize the consolidation of the stock of the Eatonton Branch Railroad with the Central Railroad and Banking Company of Georgia, and also to authorize an increase of the capital stock of the said Central Railroad, and Banking Company of Georgia, and for other purposes.

Which was read the first time.

Mr. Mattox, introduced

“A bill to be entitled an act for the relief of William D. Rigdon of Charlton county, and for other purposes”

Which was read the first time

Mr. McDuffie, introduced

"A bill to be entitled an act to change the line between the counties of Wilcox and Pulaski so as to include the lands of John F. McLeod a citizen of Wilcox"

Which was read the first time.

Mr. McGhee, introduced

"A bill to be entitled an act to incorporate the Trustees of the Presbyterian Church, in the town of Perry Houston county"

Which was read the first time.

Mr. Moore, moved to suspend the rule for the purpose of introducing a bill to change county lines without the written application of persons whose residence would be changed"

Which was lost.

Mr. Printup, introduced

"A bill to be entitled an act to give a construction to, and render more certain the 4th section of the Statute of Frauds and Perjuries, so far as the same relates to any contracts or sale of lands, tenements or hereditaments or any interest in or concerning them"

Which was read the first time.

Mr. Reid of Taliaferro, introduced

"A bill to be entitled an act to compel free persons of color to leave the State, and for other purposes"

Which was read the first time.

Mr. Riley, introduced

"A bill to be entitled an act to incorporate the Cane Creek Hydraulic Hose Mining Company, of the county of Lumpkin in the State of Georgia, and for other purposes therein specified"

Which was read the first time.

"Also, a bill to be entitled an act to alter and amend the second section of the first article of the Constitution of this State"

Which was read the first time.

The following message was received from the House of Representatives by Mr. Diamond, their clerk :

Mr. President :—The House of Representatives has passed the following bills :

A bill to compensate Grand and Petit Jurors in the county of Dade.

Also, a bill to reduce the bond of the Sheriff of White county.

Mr. Rushin, introduced

"A bill to be entitled an act to authorize Jabez H. Whittlesey, of the county of Marion, to practice Medicine upon the homeopathic system, and to charge and collect for his services, and for other purposes"

Which was read the first time.

Resolved. That until otherwise ordered by the Senate its

daily sessions shall be from 9½ o'clock A. M., to 1½ o'clock P. M.

Mr. Smith of Talbot, introduced

"A bill to be entitled an act to incorporate the Scott Rifles a Volunteer Company in the county of Talbot, and to confer certain privileges on the members of said Company"

Which was read the first time.

Also "a bill to be entitled an act to revise the jury system of this State abolish appeals and petit jury trials, to regulate continuances, to declare who are liable to serve as jurors, to provide a mode for striking special jurors, to expedite litigation in the Superior Courts in this State, and for other purposes therein mentioned"

Which was read the first time.

On motion of Mr. Smith of Talbot, one hundred and fifty copies of said bill were ordered to be printed for the use of the Senate.

Mr. Sturges, introduced

"A bill to be entitled an act to explain the several acts of this State, so far as to prevent the Judges of the Superior Courts from calling the dockets thereof and from alternating in the trial of certain causes therein mentioned so as to expedite the business of said courts"

Which was read the first time.

Also the following resolution which was read,

Resolved, That the President of the board of Trustees of the University of Georgia, be requested to lay before the Senate at his earliest convenience the plan adopted at the last session of the Senatus Academicus for the re-organization of the University, and that a certified copy of this resolution be sent to the President by the Messenger of the Senate.

Mr. Jordan, introduced

"A bill to be entitled an act to make valid certain sales of real estate heretofore made by Executors, Administrators and Guardians of this State"

Which was read the first time.

Also the following resolution which was read,

Resolved, That hereafter the Senate will meet at 9½ o'clock A. M., and adjourn at 1½ o'clock P. M., meet at 3 o'clock P. M. and adjourn at 5 o'clock P. M. until otherwise ordered by the Senate.

Mr. Sweat, offered the following resolution which was read:

"*Resolved*, That our Senators and Representatives in Congress be requested to have established by law, a weekly mail route from Blackshear in Pierce county via Strickland, Baggly's Store and to Douglass in Coffee county, and that his Excellency the Governor, cause a copy of this resolution to be forwarded to each of our Senators and Representatives in Congress.

Mr. Turner, introduced

"A bill to be entitled an act to define and punish vagrancy in free persons of color"

Which was read the first time.

Mr. Williams of Terrell, introduced

"A bill to be entitled an act for the relief of Joseph A. B. Duce of Terrell county"

Which was read the first time.

Mr. Wynn, introduced

"A bill to be entitled an act to repeal an act entitled an act to authorize the election of Marshal for the town of Newnan in the county of Coweta in the same way and manner as commissioners for said town, are now elected by law. approved February 17th, 1854"

Which was read the first time.

On motion of Mr. Hall, the rule was suspended and the following bill was taken up and read the second time and referred to the Committee of the Whole,

A bill to be entitled an act to amend an act to incorporate the Savannah, Griffin and North Alabama Railroad Company, assented to on the 11th day of February, 1854, and to repeal sections, seven, eight and nine of said act, and to substitute two additional sections in lieu thereof.

On motion of Mr. Griffin of Twiggs. Senate adjourned until 10 o'clock, to-morrow morning.

WEDNESDAY, NOVEMBER, 9th 1859.

Senate met according to adjournment.

The Hon. James M. Ware, Senator elect from the county of Polk appeared, was sworn in by the President, and took his seat.

The President announced the following standing committees:

On Privileges and Election.—Messrs. Lamar, Merrill, Kirby, Carter of Elbert, Jamison, Griffin of Brooks, Welborn, Barclay and Sheppard.

On Petitions.—Messrs. Oliver, Pruitt, Tarver, Brown, Hyde, Denham, Usry, Cloud, Greene, Rushin and Whitworth.

On Journals.—Messrs. Gartrell, Denham, Hutchins, Quillian, Lenoir, Batts, Hitchcock, Snell, Ivey, Hightower, Ritch and Lockhart.

On Enrollment.—Messrs. Harris of Dougherty, Paine, Briscoe, Harvin, Davis, Carter of Echols. Moore of Whitfield, Tatum, Turner and Cannon.

On the State of Republic.—Messrs. McGehee, Hill of Troup, Harris of Worth, Atkinson, Billups, Harris of Dougherty, Trippe, Johnson of Cass, Burnette, Morris, Moore of Laurens, Spalding, Hall, Smith of Talbot, and Cook.

On the Judiciary.—Messrs. Lawton, Holt, Printup Hill of Troup, Collier, Miller, Seward, Trippe, Hall, Evans, Smith of Talbot, Bartlett, Jones, Sturgis, Johnson of Chattahoochee, Hackett, Cowen, Harris of Worth and Moore of Whitfield.

On Finance.—Messrs. Printup, Byars, Walker, Alexander, Robinson, Hill of Wilkes Ward, Shelnut, Smith of Hancock, Glover, Lockhart, Rice of Morgan, Head, McDuffie and Chester.

On Internal Improvement.—Messrs.—King, Sturges, Seward, Spalding, Hart, Tracy, Whitehurst, Wells, Atkinson, Quillian, Lawton, Paine, Holt, Bartlett, Cooper, McDuffie, Griffin of Twiggs, and Brown.

On Public Education and Free Schools.—Messrs. Fulton, Turner, Billups, Hines, Boggs, Lenoir, Stowers, Jordan, Reid of Taliaferro, Cannon, Mathews, Wallace, Wynn, and Hutchins.

On Banks.—Messrs. Collier, Tracy, Atkinson, Miller, Robinson, Ware, Wynn, Ward, Jamison, Welborn, Walker, Donaldson and Alexander.

On New Counties and County Lines.—Messrs. Johnson of Clayton, Kirby, Bond, Lott, Hightower, Lamar, Tarver, Williams of Rabun, and Grice.

On the Penitentiary.—Messrs. Briscoe, Cone, Hart, Robinson, Rushin, Griffin of Brooks, Byars, Head, Wilson, Roberts, Allred, Williams of Berrien and Sawyer.

On the Lunatic Asylum.—Messrs. Burnett, Flewellen, Tatum, Barrow, Fulton, Davis, Cloud, Hood, DeLaperriere, Griffin of Twiggs, Gartrell, Briscoe, and Hill of Troup.

On the Military.—Messrs. Cone, Hill of Sumter, Riley, Holt, Hyde of Fannin, Lawton, Young, Brown, Miller, Morris, Crittenden, Shelton and Flewellen.

On Printing.—Messrs. Cooper, Poole, Williams of Terrell, Crittenden, White, McRae, Grice, Wallace, Hitchcock, Maples and Sheppard.

On the Deaf and Dumb Asylum.—Messrs. Moore of Whitfield, Griffin of Twiggs, Hood, Allred, Bond, Wilson, Simman, Tillman, Brinson, Wells, Mathews, Young and Grice.

On Institution for the Blind.—Messrs. Tracy, Harris of Worth Cook, Hill of Sumter, Turner, Jones, Sammerour, Johnson of Clayton, Mattox, Harvin, Williams of Rabun, and Paine.

On Amendments to Constitution.—Messrs. Spalding, Moore of Laurens, Harvin, Seward, Johnson of Cass, Smith of Talbot, Tarver, Gartrell, Pruitt and Johnson of Chattahoochee.

On Agriculture.—Messrs. Billups, McGehee, Walker, Ward, Boggs, Smith of Hancock, Glover, Reid, of Morgan, Sawyer, Hill of Wilkes, Williams of Terrell, Wellborn and Williams of Berrien.

Engrossing Committee.—Messrs. Cook, Merrill, Denham, Carter of Elbert, Evans, Oliver, Wilson and Hackett.

Auditing Committee.—Messrs. Bartlett, Cone, Lenoir, Donaldson, DeLaperrière, Ivey, Jordan and Cowen.

Mr. Printup, offered the following resolution which was taken up, read and agreed to.

Resolved, That two hundred copies of the list of the standing committees, be printed for the use of the Senate.

Leave of absence was granted Mr. Robinson, in consequence of indisposition.

Also Mr. Jordan, was granted leave of absence for a few days, to visit a sick friend.

Mr. McGehee, moved to take up the following resolution, which had been previously offered by him, which was read and agreed to.

Resolved, That so much of his Excellency the Governor's message, as relates to a Mineralogical and Geological Survey of the State be referred to a committee of three, appointed by the President of the Senate, to confer with a similar committee appointed by the House, with instructions to report by bill or otherwise.

Mr. McGehee, moved that the Secretary be directed to transmit said resolution forthwith to the House of Representatives, which was agreed to.

Mr. Fulton, moved to take up the following resolution, which was agreed to.

Resolved, That until otherwise ordered by the Senate its daily sessions shall be from nine and half o'clock, A. M., to one and half o'clock, P. M.

Mr. Fulton, moved to amend the resolution by striking out "nine and half" and inserting "nine"

Which was agreed to.

Mr. Fulton, moved further to amend the resolution by striking out "one and half" and inserting "one"

Which was agreed to.

The resolution as amended was then agreed to.

The Senate took up as the report of the committee of the whole,

"A bill to be entitled an act to incorporate the Savannah, Griffin and North Alabama Railroad Company, assented to on the 11th day of February, 1854, and to repeal sections seven, eight and nine of said act, and to substitute two additional sections in lieu thereof"

Mr. King, moved to amend the report by striking out the word "repeal" in the caption of said bill, and insert the word "amend"

Which was agreed to.

The report as amended was agreed to, the bill was read the third time and passed.

Mr. Cone, moved that all bills read the second time shall be considered as referred to the committee of the whole, unless otherwise ordered by the Senate,

Which was agreed to.

The following bills were taken up, read the second time and referred to the Committee on the Judiciary :

"A bill to be entitled an act to add an additional section to the eleventh division of the Penal Code"

Also "a bill to be entitled an act to repeal an act entitled an act to regulate the granting of new trials, approved Feb. 20th, 1854.

Also "a bill to be entitled an act to limit the lien of Judgments rendered in any of the Courts of this State"

Also "a bill to be entitled an act to authorize juries to assess damages in matters of Illegality, upon certain conditions"

Also "a bill to be entitled an act to authorize juries in all actions sounding in damages to assess interest."

Also "a bill to be entitled an act amendatory of the Judiciary laws of this State."

Also "a bill to be entitled an act amendatory of the claims laws of this State."

Also "a bill to be entitled an act to alter and amend the several acts, relative to the probate of wills granting letters testamentary, and of Administration, and for other purposes therein specified,"

Also "a bill to be entitled an act to provide for the proof of wills in solemn form and to declare the effect of such proof, and for other purposes therein specified."

Also "a bill to be entitled an act to amend an act entitled an act to regulate the granting of new trials, approved Feb. 20th, 1854"

Also "a bill to be entitled an act to amend the laws of this State, regulating the admission of testimony in certain cases."

Also "a bill to be entitled an act to authorize Guardians of insane persons to be made parties to suits brought by deceased guardians."

Also "a bill to be entitled an act to repeal an act entitled an act to amend the second section of an act entitled an act to repeal the 48th section, of the 14th division of the Penal Code, in so far as relates to capital cases, and add a new section in lieu thereof, assented to Dec. 27th, 1843.

Also "a bill to be entitled an act to regulate the agencies of foreign Insurance Companies and to provide for the appointment of an Insurance Commissioner."

Also "a bill to be entitled an act to authorize the arrest and rendition of persons, committing offences against any of the criminal laws of any of the adjoining States, to the State of Georgia, and who may take refuge within the limits of the State of Georgia, upon certain conditions therein named.

Also "a bill to be entitled an act to add an additional section, to an act entitled an act to amend and explain the twenty-ninth section of the Judiciary laws of this State, approved the 7th day of Dec., 1812.

Also "a bill to be entitled an act to appropriate the fees of Solicitors General to county purposes, and to increase their salaries."

The following bill was taken up and read the second time, and referred to the Committee on Banks.

"A bill to be entitled an act to incorporate a Bank in the City of Rome, to be called The Bank of Rome."

The following bills were taken up and read the second time, and referred to the Committee on New Counties and County Lines.

"A bill to be entitled an act to change the line between the counties of Early and Calhoun.

Also "a bill to be entitled an act to change the line between counties of Floyd and Polk."

The following bills were taken up and read the second time and referred to the Committee on Finance.

"A bill to be entitled an act to exempt persons from the payment of a poll tax, after they shall have arrived at the age of forty-five years."

Also "a bill to be entitled an act to repeal an act entitled an act to increase the salaries of the Executive, and of the Judges of the Supreme and of the Superior Courts of this State, assented to December 22d, 1857."

The following Message was received from the House of Representatives by Mr. Diamond, their Clerk.

Mr. President:—I am directed by the House of Represen-

tatives to inform the Senate, that they have passed the bill of the Senate,

To change the time of holding the Superior Courts in the counties of Lowndes, Brooks and Thomas, in the Southern Judicial District, and have directed me to transmit the same forthwith to the Senate.

Mr. Johnson of Clayton, offered the following resolution which was taken up and read, and lost.

Resolved, That after the second reading of the bills of the Senate, the same be referred to the several appropriate committees, unless otherwise ordered by the Senate.

The following bills were taken up, and read the second time and referred to the Committee of the Whole.

“A bill to be entitled an act to amend an act entitled an act to provide for the education of the children of this State between certain ages, and to provide an annual sinking fund for the extinguishment of the public debt, assented to December 11th, 1858, so far as the same relates to the county of Hall.”

Also “a bill to be entitled an act to give the election of Treasurer, of the county of Forsyth to the people.”

Also “a bill to be entitled an act to make valid all letters of Administration, heretofore granted by the Courts of Ordinary of this State, when written notice of such application has not been given at the Court House door of said county as required by law.”

Also “a bill to be entitled an act to define and enlarge the corporate privileges heretofore granted to the 1st Presbyterian Church of Augusta.”

Also “a bill to be entitled an act to require Clerks of the Superior Courts to take Administration without giving bond.”

Also “a bill to be entitled an act to regulate the school fund of Habersham county, and for other purposes therein named.”

Also “a bill to be entitled an act to change the time of holding the General Election in this State, and for other purposes.”

Also “a bill to be entitled an act to amend an act to alter and amend the road laws of this State, so far as relates to the county of Wayne, assented to Dec. 22d, 1857.

Also “a bill to be entitled an act to define the line between the counties of Early and Clay.”

Also “a bill to be entitled an act to authorize the Mayor and Council of the city of Atlanta, to take possession of the enclosed ground lying between the general passenger depot, and Decatur street and the Atlanta Hotel and Lloyd street in the city of Atlanta, for the purpose of beautifying and ornamenting the same, to be used as a Railroad Park.

Also "a bill to be entitled an act to confer other powers, than those now granted to the Augusta Orphan Asylum" &c.

Also "a bill to be entitled an act for the relief of the securities of George F. Wing, former Tax Collector of McIntosh county."

Also "a bill to be entitled an act to amend the charter of the city of Griffin."

Also "a bill to be entitled an act to regulate the freight of lime for Agricultural purposes, when transported on the Western and Atlantic Railroad."

Also "a bill to be entitled an act to compensate the Petit Jurors of Marion county, and to provide for the same."

Also "a bill to be entitled an act for the relief of Amy Clarke, from certain disabilities therein mention."

Also "a bill to be entitled an act to add the county of Wilcox to the Second Congressional District."

Also "a bill to be entitled an act to incorporate the Southern Rights Guards of Houston county "

Also "a bill to be entitled an act to amend an act entitled an act to charter the Charleston and Savannah Railroad."

Also "a bill to be entitled an act to recover real property and the rents and profits thereof, and to extend the statutes of ceoficials and amendments to an act entitled an act to simplify and curtail pleadings at law, passed 27th December 1847."

Also "a bill to be entitled an act to define the duties of Sheriffs, and for other purposes."

Also "a bill to be entitled an act to give to the Inferior Court of the county of Telfair, power and authority to appoint some fit and proper person to be Treasurer to receipt for, and receive the amount of money to which, said county may be entitled to, under the act to provide for the education of the children of this State, assented to December 11th, 1858, where the Ordinary refuses or neglects to give bond in terms of the law."

Also "a bill to be entitled an act to change the line between the counties of Hall and Banks."

Also "a bill to be entitled an act to alter and amend the act incorporating the town of Lincolnton, and the several acts amendatory thereof, to confer additional powers upon the Commissioners in relation to raising revenue, the preservation of good order, the regulating of license for vending spirituous liquors, prescribing the qualification of voters and for other purposes."

Also "a bill to be entitled an act to constitute and declare Margaret Marshall Barclay, the adopted daughter of Mary M. Marshall, of the county of Chatham, the legitimate heir of the said Mary M. Marshall, and to enable her to inherit

the property of the said Mary M. Marshall, and for other purposes."

Also "a bill to be entitled an act to incorporate the Georgia Insurance Company."

Also "a bill to be entitled an act to change and regulate the fees of the Attorney General and Solicitors General of this State."

Also "a bill to be entitled an act for preventing the sale of cards, and for other purposes."

Also "a bill to be entitled an act to authorize the Administrator's of Henry Snelling and Jesse Story, to sell the real estate of their intestates on the first Tuesday in December next.

Also "a bill to be entitled an act to amend an act approved March 5th. 1856, entitled an act to authorize persons to submit controversies to arbitration declaring how arbitrators shall be chosen prescribing their powers regulating the manner in which their proceedings shall be conducted, and for other purposes therein mentioned."

Also "a bill to be entitled an act to amend the judiciary act of this State, and to direct the manner of making trustees parties Plaintiffs or Defendants in all suits or actions now pending, or may hereafter exist in the several Courts of this State.

Also "a bill to be to be entitled an act to alter and change the Superior Courts of the counties of Miller, Telfair, Irwin and dBerrien."

Also "a bill to be entitled an act to incorporate the Planters Railroad Company, and for other purposes."

Also "a bill to be entitled an act to compensate commissioners for taking Interrogatories, and to provide for the payment of witnesses examined before them."

Also "a bill to be entitled an act to incorporate the town of Ellaville in Schley county.

Also "a bill to be entitled an act to authorize Plaintiffs to hold to bail in cases sounding in damages, without first procuring an order for that purpose."

Also "a bill to be entitled an act to amend the 10th section of the 10th division of the Penal Laws of this State."

Also "a bill to be entitled an act to repeal the fourth and seventh sections of the first article of the Constitution of the State of Georgia, and to add an additional section, and for other purposes."

Also "a bill to be entitled an act to legalize the marriage of Lawson Cody and Francis E. Cody, and for other purposes."

Also "a bill to be entitled an act legalizing the holding of the Superior Court of the county of Carroll, at its last term."

Also "a bill to be entitled an act to compensate the Grand and Petit Jurors of the county of Dougherty."

Also "a bill to be entitled an act to authorize A. C. Trimble, Administrator of Andrew M. Hamilton, deceased, to sell the negroes of his intestate on the first Tuesday in January next."

Also "a bill to be entitled an act to repeal the 7th section of an act entitled an act to incorporate and grant certain privileges and powers to the Newnan Guards in the town of Newnan, Coweta county, and for other purposes herein mentioned, and to repeal the 4th section of an act to regulate the compensation of Jurors, in the county of Jefferson, and for other purposes therein named."

Also "a bill to be entitled an act to change the time of holding the Superior Courts of Terrell county."

Also "a bill to be entitled an act to compensate the Petit Jurors of Putnam county, for their services."

Also "a bill to be entitled an act to repeal an act, assented to on the 11th day of December, 1858, to abolish imprisonment for debt, and for other purposes."

Also "a bill to incorporate the town of Warrenton in Warren county, and to provide for the election of Commissioners for the same, and for other purposes therein named."

Also "a bill to be entitled an act to prohibit persons from poisoning fish in water courses of Irwin county, for the purpose of killing fish."

Also "a bill to be entitled an act to compensate the Grand and Petit Jurors of the county of Paulding, and for other purposes therein named."

Also "a bill to be entitled an act to increase the number of hands liable to do road duty."

Also "a bill to be entitled an act to incorporate the Thomasville Manufacturing, Agricultural and Commercial Association, and for other purposes."

Also, a bill to be entitled an act, to incorporate the Clarke county Agricultural Society, and to confer certain power and immunities on the same.

Also "a bill to be entitled an act to incorporate the town of Perry, in Houston county, and to extend the limits of the same, and to repeal an act to incorporate the town of Perry in Houston county, and to define the duties and authorities of the same, passed the 28th day of December, 1828, and for other purposes therein named."

Also "a bill to be entitled an act to pardon William A. Choice, of the county of Fulton, now under sentence of death for the crime of murder."

On motion of Mr. Harris of Worth, said bill was made the special order for Wednesday the 16th inst.

The Hon. H. M. Moore, the Senator elect from the coun-

ty of Laurens, appeared was sworn in by the President, and took his seat.

Senate then adjourned until 9 o'clock to-morrow morning.

THURSDAY, NOVEMBER 10th, 1859.

The Senate met according to adjournment.

Mr. Holt, moved that the roll be called and the following Senators being present, answered to their names.

Messrs.—Allred, Barclay, Barrow, Batts, Billups, Bond, Burnett, Carter of Echols, Carter of Elbert, Chester, Cloud, Collier, Cooper, Cook, Crittenden, Denham, Flewellen, Gartrell, Glover, Grice, Hall, Harvin, Holt, Hutchins, Hill of Wilkes Hitchcock, Hyde, Ivey, Jamison, Johnson of Clayton, Kirby, Lamar, Lenoir, Lockhart, Lott, Maddox, Matthews, Merrill, Morris, Oliver, Poole, Pruitt, Quillian, Reid of Taliaferro, Sirman, Smith of Talbot, Snell, Stowers, Summerour, Turner, Usry, Walker, Wallace, Ward, Wellborn, Whitworth, Williams of Berrien, Williams of Rabun, Williams of Terrell.

Mr. Holt, moved to reconsider so much of the Journal of yesterday as relates to the time of the meeting of the Senate.

Which was lost.

Mr. Billups, offered the following resolution which was taken up, read and agreed to,

Resolved, That the Senator from Cass be added to the Committee on Agriculture.

Mr. Billups, offered the following resolution which was read :

Resolved, That the Committee on the Judiciary be instructed to examine into the necessity and propriety of additional Legislation to protect fruit growers from depredations and thefts, to which they are exposed in their business, and if they deem it necessary to report a bill granting such protection.

Mr. Carter of Echols, introduced

“ A bill to be entitled an act to incorporate the town of Statenville in Echols county, and to provide for the government of the same.”

Which was read the first time.

Mr. Fulton, introduced.

"A bill to be entitled an act to amend an act entitled an act to carry into effect, the 6th article of the constitution, providing for the distribution of intestates estates and for other purposes therein mentioned, so as to extend to and embrace the child or children of intestates, nephews and neices."

Which was read the first time.

Mr. Hackett, introduced

"A bill to be entitled an act to give the Justices Courts jurisdiction in actions sounding in damages under certain restrictions, and for other purposes."

Which was read the first time.

Mr. Hall, introduced.

"A bill to be entitled an act to alter and change the line between Merriwether and Coweta counties, so as to include lots of land No's. one and two, in the Second District of Coweta county, in the county of Merriwether."

Which was read the first time.

Also "a bill to be entitled an act to authorize Nicholas Grice of Merriwether county, an infirm and indigent person, to peddle without paying for the privilege of so doing."

Which was read the first time.

Mr. Hill of Troup, introduced

"A bill to be entitled an act to define and declare the jurisdiction of the Courts of this State, in suits against Railroad Companies."

Which was read the first time.

Mr. Hill of Wilkes, introduced

"A bill to be entitled an act to amend an act in reference to granting divorces, approved Dec. 5th, 1806."

Which was read the first time.

Mr. Holt offered the following resolution which was taken up, read and agreed to,

Resolved, That the joint Military Committee be instructed to prepare and report a bill, for the total abandonment of the present Militia system of this State, save in cases of invasion or insurrection, and for the ample encouragement of the formation, and for the effective arming and equipment of Volunteer Companies in each and every county in this State."

Leave of Absence was granted to Mr. Wells, for a few days on account of indisposition.

Mr. Paine, from the Committee on Enrollment, reported enrolled and ready for the signature of the President of the Senate,

A resolution to bring on the election for Judges of the Supreme Court.

Mr. Hood, introduced

"A bill to be entitled an act to authorize the Administrators of the Estate of the late Toliver Jones, of the county of Harris, to sell all the lands belonging to the said estate lying in the counties of Harris, Muscogee and Talbot, at the Court House, in the county of Harris."

Which was read the first time.

Mr. Ivey, introduced

"A bill to be entitled an act to change the line between the counties of Habersham and White."

Which was read the first time.

Mr. Jamison introduced,

A bill to be entitled an act for the relief of Henry Henson and Elias Killpatrick of the county of Towns.

Which was read the first time.

Mr. Lamar introduced,

A bill to be entitled an act to authorize the Governor to appoint some fit and proper person to run out the line between the seventh district of Baker and the third district of Calhoun county.

Which was read the first time.

Mr. Mattox introduced,

A bill to be entitled an act to relieve Edward J. Murree, from paying poll tax, of the county of Charlton.

Which was read the first time.

Mr. Cannon, introduced

A bill to be entitled an act to exempt Physicians from jury duty.

Which was read the first time.

Mr. Merrill introduced,

A bill to be entitled an act to repeal an act entitled an act to abolish imprisonment for debt on certain conditions herein set fourth and for other purposes, approved Dec. 11th 1858, and to provide a summary mode for discharging debtors, when imprisoned for debt.

Which was read the first time.

Mr. McGehee introduced,

A bill to be entitled an act to authorize the construction of a Railroad from Barnesville, in the county of Pike to the city of Brunswick, in the county Glynn, or some other port upon the Atlantic coast within the limits of this State.

Which was read the first time.

Mr. Fulton moved two hundred copies of said bill be printed for the use of the Senate.

Which was agreed to.

Mr. Johnson of Clayton, introduced,

A bill to be entitled an act to pardon Francis Smith, of the county of Campbell, now under sentence of death for the crime of murder.

Which was read the first time.

Mr. Moore of Whitfield, introduced.

A bill to be entitled an act to authorize the Governor of this State to grant certain privileges to the Dalton and Jacksonville Railroad company.

Which was read the first time.

Mr. Morris, introduced,

A bill to be entitled an act to compensate the Sheriffs of Franklin county for summoning Grand and Petit Jurors of said county, and for other purposes.

Which was read the first time.

Also, a bill to be entitled an act to allow the Attorney General and Solicitors General a fee in cases of Peace Warrants.

Which was read the first time.

Mr. Quillian introduced,

A bill to be entitled an act for the relief of John Fanner and William Scott, securities on the appearance bond of Newton Freeman of the county of Gilmer.

Which was read the first time.

Mr. Paine from the committee on enrollment, reported as duly enrolled and ready for the signature of the President of the Senate.

An act to change the time of holding the Superior Courts in the counties of Lowndes, Brooks and Thomas.

The following message was received from His Excellency the Governor, by Mr. Waters his Secretary, to wit:

Mr. President:—The Governor has signed the Joint Resolution of both branches of the General Assembly for the purpose of electing two Judges of the Supreme court.

Mr. Turner introduced,

A bill to be entitled an act to abolish the Senatus Academicus, to give its power to the board of trustees of the University of Georgia and to vest the Government of said University in said board of Trustees.

Which was read the first time.

Mr. Hyde moved to print one hundred and fifty copies of said bill for the use of the Senate.

Which was lost.

Mr. Wallace introduced,

A bill to be entitled an act to change the line between the counties of Macon and Taylor.

Which was read the first time.

The following message was received from the House of Representatives by Mr. Diamond their Clerk.

Mr. President:—I am directed by the House of Represen-

tatives to inform the Senate, that they are now ready to receive them in the Hall of the House of Representatives and proceed to the election of two Judges of the Supreme Court.

Mr. Collier introduced,

A bill to be entitled an act to create a new Judicial Circuit to be called the Atlanta Circuit, to be composed of the counties of Fulton, DeKalb, Fayette, Clayton and Gwinnett, and to add to the Coweta Circuit, the counties of Coweta, Heard and Harris, and to add to the Tallapoosa Circuit, the county Paulding, and for other purposes.

Which was read the first time.

Mr. Hall moved to print one hundred and fifty copies of said bill for the use of the Senate.

Which was agreed to.

Mr. King introduced;

A bill to be entitled an act to aid the citizens of Georgia in the construction of Railroads.

Which was read the first time.

Mr. King moved that two hundred copies of said bill be printed for the use of the Senate.

Which was agreed to.

On motion of Mr. Harris of Worth, the Senate repaired to the Representative Hall, and after being seated the General Assembly proceeded to the election of a Judge of the Supreme Court to succeed the Hon. Henry L. Benning, when on receiving and counting out the ballots it appeared that Richard F. Lyon, of the county of Dougherty, was duly elected. Also, of a Judge of the Supreme Court, to fill the vacancy occasioned by the resignation of the Hon. Charles J. McDonald, when on receiving and counting out the ballot it appeared that the Hon. Linton Stephens of the county of Hancock was duly elected.

The Senate then on motion returned to their Chamber.

Mr. Paine offered the following resolution.

Which was read.

Whereas, his Excellency the Governor has set apart Thursday, the 24th inst., as a day of Thanksgiving, and recommends divine service to be held on that day.

Resolved, That a committee of three be appointed on the part of the Senate to act in concert with a committee of the House of Representatives to make arrangements for service in the Hall of Representatives, on Thursday the 24th, inst., and invite some distinguished Divine to deliver an appropriate sermon on the occasion.

Mr. Ware introduced,

A bill to be entitled an act to lay out and organize a new

county from the counties of Polk, Floyd, Cass and Paulding.

Which was read the first time.

Mr. White, introduced,

A bill to be entitled an act to confer certain rights and powers on Abraham E. Roberts, Administrator on the estate of Robert J. Culbreth, deceased of Walton county,

Which was read the first time.

Mr. Williams, of Berrien, introduced,

A bill to be entitled an act to provide for the election of Judges of the Superior Courts, Solicitors General and Attorney General by the General Assembly,

Which was read the first time.

Mr. Yancy, introduced,

A bill to be entitled an act to reduce the Sheriff's bond in the county of Irwin, and for other purposes,

Which was read the first time.

And offered the following resolution, which was read.

Resolved, By the General Assembly that our Senators be instructed, and our Representatives in Congress be requested to use their efforts to have the mail service, which has lately been discontinued in Georgia, put in operation again by the Post Master General, as the mail facilities at present afforded, are insufficient to meet the commercial, agricultural and social wants of the people.

Mr. Morrill introduced,

A bill to be entitled an act, to amend an act entitled an act to prescribe the manner in which names of persons may be changed, and persons born illegitimate, made legitimate, and to carry into effect the provisions of the Constitution upon that subject, and also to prescribe the manner in which children may be adopted, approved March 6th, 1856, so as to extend the provisions of the same to grown persons as well as children.

Which was read the first time.

Mr. Ward introduced,

A bill to be entitled an act, to suspend a part of the 8th section of an act entitled an act to provide for the education of the children of this State between certain ages and to provide an annual sinking fund for the extinguishment of the public debt for the year eighteen hundred and fifty-eight, so far as relates to the county of Greene, and to authorize the Ordinary of said county to pay over to all the teachers of said county the school funds belonging to said county for the said year.

Which was read the first time.

Mr. Hall, offered the following resolution, which was read.

Resolved, By the Senate and House of Representatives of the State of Georgia in General Assembly met, That we convene in the Hall of the House of Representatives on Friday the 11th inst., at 3 o'clock in the afternoon to elect a United States Senator of the State of Georgia, to fill the term commencing on the 4th day of March, 1861, and in case said day should elapse without convening for said purpose, then so soon after as this resolution shall pass and the House shall inform the Senate of their readiness to receive them.

Mr. Briscoe, introduced,

A bill to be entitled an act, to incorporate the Milledgeville manufacturing company, and to confer certain powers and privileges on the same.

Which was read the first time.

Mr. Paine moved to suspend the rules for the purpose of reading bills the second time,

Which was agreed to.

The following bills were taken up read the second time and severally referred to the committee of the Whole.

A bill to be entitled an act to authorize the Administrators of the estate of James Younge, Sr., to sell the property of said estate, and to make titles to the same.

Also, a bill to be entitled an act to change the line between the counties of Sumter, and Macon so as to add the residence of George Walker to the county of Macon.

Also, a bill to be entitled an act to prevent the sale of spirituous liquors in the town of Fayetteville, only on certain conditions.

Also, a bill to be entitled an act, to amend the caption of an act, assented to Dec. 11th, 1858, to change the county line of Hall and Pierce.

Also, a bill to be entitled an act to confer certain privileges upon William Cade of the county of Chattahoochee to make lawful his acts, and give him authority to transact business as though he was twenty-one years of age, and for other purposes.

Also, a bill to be entitled an act, to change the eighteen-to section of the fourteenth division of the Penal Code of of this State, and for other purposes.

Also, a bill to be entitled an act to alter and amend an act entitled an act to compensate the Grand and Petit Jurors of the county of Merriwether, assented to, February 6th, 1850.

The following message was received from the House of Representatives by Mr. Diamond, their Clerk.

Mr. President:—I am directed by the House of Repre-

representatives to inform the Senate that they have concurred in a resolution appointing a committee of three to which is referred, that portion of the Governor's Message in relation to a Mineralogical and Geological Survey of this State, and that they have appointed on the part of the House as such committee, Messrs. Lewis of Hancock, Delony Lester.

The House has also concurred in the Senate resolutions in relation to the insurrection at Harper's Ferry.

The House has also passed a resolution, making the Judiciary committee of the Senate and House of Representatives a Joint committee.

In pursuance of the joint resolution in relation to the Message of his Excellency the Governor, relating to a Mineralogical and Geological Survey of the State, the President appointed, Messrs. McGehee, Summerour and Billups as the committee on the part of Senate.

The following bill was taken up, read the second time and referred to the committee on new counties, and county lines.

A bill to be entitled an act, to change the line between the counties of Elbert and Hart.

The following bill was taken up, read the second time, and referred to the committee on the Judiciary

A bill to be entitled an act to require the Judges of the Superior courts of this State, to alternate, and to provide for the same.

On motion the Senate then adjourned, until 9 o'clock, tomorrow morning.

FRIDAY, NOVEMBER, 11th, 1859.

The Senate met according to adjournment.

On motion of Mr. Hall the rules were suspended for the purpose of taking up a resolution previously offered by him.

Mr. Hall moved to take up the following resolution, which was agreed to:

Resolved, By the Senate and House of Representatives of the State of Georgia, in General Assembly met, That we convene in the Hall of the House of Representatives on Friday, the 11th inst at 3 o'clock, in the afternoon to elect a United States Senator of the State of Georgia to fill the term commencing on the 4th day of March 1861, and in case said day should elapse without convening for said purpose, then so soon after as this resolution shall pass, and the

House shall inform the Senate of their readiness to receive them.

Mr. Seward moved to strike out Friday the 11th inst., at 3 o'clock, P. M., and insert "Tuesday next at 10 o'clock, A. M.," which was agreed to.

On motion to agree to the resolution as amended, Mr. Sturgis required the yeas and nays to be recorded.

Which were yeas 52 ; and nays 68.

Those who voted in the affirmative were Messrs :

Allred, Batts Briscoe, Brown, Burnett, Byars, Carter, of Echols, Cone, Crittenden, Davis Denham Donaldson, Glover, Green, Grice, Griffin, of Brooks, Griffin, of Twiggs, Hall, Hart, Harris, of Dougherty, Harvin, Head, Hutchins, Ivey, Jamison, Johnson, of Clayton, Jones, Lamar, Lott, Maddox, Matthews, Merrill, McGehee, Moore of Laurens, Oliver, Robinson, Roberts, Sawyer, Seward, Shellnut Sirman, Snell, Stowers, Sturges, Summerour, Sweat, Turner, Walker, Wellborn, Williams, of Berrien, Wilson, Young.—Yeas 52.

Those who voted in the negative are Messrs.

Alexander, Atkinson, Barclay, Barrow, Billups, Boggs, Bond, Cannon, Carter of Elbert, Chester, Cloud, Collier, Cooper, Cook, Cowen, Delapierre, Evans, Flewellen, Fulton, Gartrell, Hackett, Harris of Worth, Hightower, Hill of Sumter, Hill of Troup, Hill of Wilkes, Hines, Hitchcock, Holt, Hood, Hyde, Johnson of Cass, King, Kirby, Lawton, Lenoir, Lockhart, Maples, McRea, Moore of Whitefield, Morris, Poole, Printup, Pruitt, Quillian, Reid of Toliaferro, Riley, Ritch, Rushin, Shelton, Sheppard, Smith of Hancock, Smith of Talbot, Spalding, Tatum, Tillman, Trippie, Usry, Wallace, Ward, Ware, Wells, White, Whitehurst, Whitworth, Williams of Rabun, Williams of Terrell, Wynne.

So the motion did not prevail.

Mr. Cannon offered the following resolution, which was taken up, read and agreed to :

Resolved, That the President of the Senate be authorized to appoint a committee of three, on consolidation, whose duty it shall be to consolidate and report all bills of a similar character.

Mr. Billups moved further to suspend the rules for the purpose of taking up the following resolutions previously offered by him.

Which was agreed to :

Resolved, That the committee on the Judiciary be instructed to examine into the necessity and propriety of additional legislation to protect fruit growers from depredations and thefts, to which they are exposed in their business, and if they deem it necessary, to report a bill granting such protection.

Which was read and agreed to.

Mr. Barclay offered the following resolution, which was read :

Resolved, By the Senate and House of Representatives of the State of Georgia, in General Assembly met, That our Senators in Congress be instructed, and our Representatives requested to use their influence to procure the passage of a bill pensioning the officers and soldiers of the war of 1812 and the Indian wars growing out of it having due regard to the terms of their respective service, and that the Executive be, and is hereby requested to forward copies of this resolution to our Senators and Representatives, as soon as it shall have passed both branches of the Legislature.

Mr. Trippe moved to amend said resolution by striking out the word "instructed."

Which was agreed to.

Mr. Trippe moved that the resolution as amended, be referred to the committee on the State of the Republic.

Which was agreed to.

On motion of Mr. Seward the rules were suspended, and the following bill of the House of Representatives was taken up and read the first time, to wit :

A bill to be entitled an act to remove the county site of Lowndes county to change the line between said county, and the county of Brooks, and for other purposes.

Mr. Printup, the Chairman of the committee on Finance made the following report.

The Committee on Finance to whom was referred a bill to be entitled an act to repeal an act entitled an act to increase the salaries of the Executive and of the Judges of the Supreme and Superior courts of this State, assented to Dec. 22d 1857.

Also a bill to be entitled an act to exempt persons from the payment of poll tax, after they shall have arrived at the age of forty five years, beg leave respectfully to report against the passage of said bills.

On motion of Mr Holt the rules were suspended, and the following resolution was taken up, read and agreed to.

Resolved, That upon the concurring of the House of Representatives.

The committee on the State of the Republic.

On Internal Improvements,
 On Public Education and, Free Schools,
 On Banks,
 On New counties and county lines,
 On the Penitentiary.
 On the Lunatic Asylum,
 On the Military,
 On the Deaf and Dumb Asylum,
 On the Institution for the Blind,
 On amendments to the Constitution,
 And on Agriculture, be, and they are hereby constituted
 joint committees.

And be it further Resolved, That said committees in making their reports, shall report all matter referred to their consideration, to that branch of the General Assembly in which the same originated.

On motion of Mr. Holt, the Secretary was directed to transmit said resolution forthwith to the House of Representatives,

Which was agreed to.

The following message was received from the House of Representatives, by Mr. Diamond their Clerk.

Mr. President:—I am directed by the House of Representatives to inform the Senate, that they have passed the following bills, to wit:

A bill to reduce the Sheriffs bond of White county.

Also a bill to allow the Superintendents of all elections at precincts without a city, town or village in this State to close the polls after the hour of 4 o'clock P. M., and for other purposes.

Also, a bill to remove the county site of Lowndes county to change the line between the said county and the county of Brooks and for other purposes.

Also, a bill fixing the time of holding the Inferior courts in the county of Coffee.

Also, a bill to change the line between the counties of Coffee and Irwin.

Also, a bill for the relief of a portion of the legatees of William Watson, deceased.

Also, a bill to provide for the compensation of Sheriffs for summoning Grand and Petit Jurors in the county of Dougherty, and to levy a tax for the same.

Also, a bill to incorporate the Bainbridge and Florida Railroad company.

Also, a bill for the relief of John T. Jackson and other persons therein mentioned.

Also, a bill to protect and encourage the erection of Ar-

tificial fish ponds, and make any trespass on the same penal, and for other purposes.

Also, a bill to give the Receiver of Tax Returns of the county of Chatham certain commissions.

Also, a bill to amend an act to incorporate a corps of Infantry in the town of Fort Valley, and to incorporate the Oglethorpe Light Infantry of Savannah; also to confer certain privileges upon the same.

Also, a bill to alter and amend the road laws of this State so far as relates to the county of Harris.

Also, a bill to consolidate the offices of Tax Collector and Tax Receiver of the county of Irwin.

Also, a bill to change the line between the counties of Hall and Banks.

Also, a bill to provide for the progress of certain cases taken up to the Supreme Court by writ of error.

Also, a bill for the relief of Wm: P Redwine, of the county of Fayette.

Also, a bill for the relief of J. C. Smith, formerly of Fayette, now of Clayton county.

Also, a bill to amend an act to incorporate the town of Fort Valley in the county of Houston.

Also, a bill to repeal so much of an act entitled an act to incorporate the town of Trenton, and other places therein named, so far as relates to the town of Trenton, and for other purposes.

On motion of Mr. Lawton, the rules were further suspended, and the following resolution of the House of Representatives was taken up and read.

Resolved, That the Judiciary Committee of both branches of the General Assembly be, and they are hereby made a joint committee, to consider any matter referred to them upon which they may desire to co-operate.

Mr. Hall moved to strike out all after the word "considered," and insert "confer with each other on all matter referred."

Which was agreed to

Mr. Harris, of Worth moved, that the resolution as amended, be postponed indefinitely

Which was agreed to.

Mr. Lawton offered the following resolution, which was taken up, read and agreed to.

Resolved, That the Hon. George P Elliott, a member of the Legislature of South Carolina, now on a visit to Mill-edgeville be invited to a seat on the floor of the Senate.

On motion of Mr. Billups, the rule was suspended, the following bill was taken up and made the special order for Tuesday next, to wit:

A bill to be entitled an act to repeal the fourth and seventh sections of the first Article of the Constitution of the State of Georgia, and to add an additional section, and for other purposes.

Mr. Cone moved to print one hundred and fifty copies of said bill for the use of the Senate.

Which was agreed to.

The Senate took up as the report of the committee of the Whole :

A bill to be entitled an act to change the time of holding the general elections in this State, and for other purposes.

On motion the same was referred to the Committee on the Judiciary.

The Senate took up as the report of the Committee of the whole,

A bill to be entitled an act to make valid all letters of administration heretofore granted by the courts of Ordinary of this State when written notice of such application has not been given at the Court House door of said county, as required by law.

On motion the same was referred to the committee on the Judiciary.

The Senate took up as the report of the committee of the whole,

A bill to require Clerks of the Superior Courts to take Administration without giving bond.

On motion the same was referred to the committee on the Judiciary.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to regulate the freight of lime for agricultural purposes when transported on the Western and Atlantic Railroad.

On motion the same was referred to the committee on Agriculture.

The Senate took up as the report of the committee on the whole,

A bill to be entitled an act to define the line between the counties of Clay and Early.

The same was referred to the committee on new counties and county lines.

The Senate took up, as the report of the Committee of the Whole,

A bill, to be entitled an act to change and regulate the fees of the Attorney General, and the Solicitors General of this State.

On motion, the same was referred to the committee on the Judiciary

The Senate took up, as the report of the Committee of the Whole,

A bill to be entitled an act to define the duties of Sheriffs, and for other purposes.

On motion, the same was referred to the committee on the Judiciary

The Senate took up, as the report of the Committee of the Whole,

A bill, to be entitled an act, to amend an act approved March 5, 1856, entitled an act to authorize persons to submit controversies to arbitration, declaring how arbitrators shall be chosen, prescribing their powers, regulating the manner in which their proceedings shall be conducted, and for other purposes therein mentioned.

On motion, the same was referred to the committee on the Judiciary.

The Senate took up, as the report of the Committee of the Whole,

A bill, to be entitled an act to amend the Judiciary act of this State, and to direct the manner of making Trustees parties plaintiffs or defendants; in all suits or actions now pending, or may hereafter exist, in the several Courts of this State.

On motion, the same was referred to the committee on the Judiciary

The Senate took up, as the report of the Committee of the Whole,

A bill to be entitled an act to authorize plaintiffs to hold to bail, in cases sounding in damages, without first procuring an order for that purpose.

On motion, the same was referred to the committee on the Judiciary.

The following message was received from the Governor, by Mr. Waters, his Secretary :

Mr. President: The Governor has signed the following act to wit:

An act, to change the time of holding the Superior Courts, in the counties of Brooks, Lowndes and Thomas, in the Southern Judicial District.

Mr. Paine, from the committee on Enrollment, reported as duly enrolled, and ready for the signature of the President of the Senate,

A resolution in relation to the late outbreak at Harper's Ferry.

The following message was received from the House of Representatives, by Mr. Diamond their Clerk :

Mr. President: I am directed, by the House of Representatives, to inform the Senate, that they have passed the following bills, to wit:

A bill, to repeal an act to authorize the Georgia Rail Road and Banking Company, to build a branch Road to Eatonton, and for other purposes.

Also, a bill to amend an act to incorporate the Columbus Savings and Mutual Loan Association.

Also, a bill for the relief of securities upon the bonds of substituted Trustees, and for other purposes.

Also, a bill to authorize the Inferior Court of Pierce county, to levy an extra tax for the purpose of building a jail, in said county.

Also, a bill authorizing the Inferior Court of Murray county to increase the tax of said county, and for other purposes.

Also, a bill to give to Charles N. Terry and Joseph H. Morehouse, the same privileges, and subject to the same liabilities, as though they were of lawful age.

Also, a bill for the relief of Teachers of poor children, in Muscogee county, in the year 1853.

Leave of absence was granted to Messrs. Harvin, Griffin, of Twiggs, Holt, Trippe, Cook, McGehee, Hackett, Glover, Lenoir, Maples and Printup, for a few days, on special business.

The Senate took up, as the report of the Committee of the Whole,

A bill, to be entitled an act to compensate Commissioners for taking interrogatories, and to provide for the payment of witnesses examined before them.

On motion, the same was referred to the committee on the Judiciary.

The Senate took up, as the report of the Committee of the Whole,

A bill, to be entitled an act for preventing the sale of cards, and for other purposes.

The report was agreed to, the bill was read the third time, and lost.

The Senate took up as the report of the Committee of the Whole,

A bill, to be entitled an act to repeal an act entitled an act to increase the salaries of the Executors, and of the Judges of the Supreme and Superior Courts of this State, assented to, December 22, 1857

The committee on Finance, to whom said bill was referred, reported against its passage.

The report was agreed to, and the bill was lost.

The Senate took up, as the report of the Committee of the Whole,

A bill, to be entitled an act to exempt persons from the payment of poll tax after they shall have arrived at the age of forty-five years.

Mr. Collier moved that said bill be postponed indefinitely, upon which motion the yeas and nays were required to be recorded, and were yeas 91, nays 25.

Those who voted in the affirmative are Messrs.

Alexander, Atkinson, Barrow, Bartlett, Batts, Billups, Boggs, Bond, Briscoe, Brown, Cannon, Carter, of Echols, Carter, of Elbert, Cloud, Collier, Cooper, Cook, Cone, Cowen, Crittenden, Davis, Denham, Evans, Flewellen, Fulton, Gartrell, Glover, Grice, Griffin, of Brooks, Hall, Hart, Harris of Worth, Haven, Head, Hightower, Hill, of Sumter, Hill, of Wilkes, Hines, Hitchcock, Holt, Hood Hutchins, Johnson, of Cass, Jones, King, Kirby, Lamar, Lawton, Lenoir, Lockhart, Lott, Matthews, Merrill, McDuffie, McGehee, Moore of Laurens, Moore of Whitfield, Morris, Paine, Printup, Pruitt, Rich, Robinson, Rushin, Sawyer, Shelton, Shellnut, Smith of Hancock, Smith, of Talbot, Snell, Stowers, Sturges, Summerour, Sweat, Tatum, Tillman Turner, Trippe, Usry, Walker, Ward, Wellborn, Wells, White, Whitehurst, Whitworth, Williams, of Berrien, Williams, of Rabun, Williams, of Terrell, Wilson, Wynne, Young.

Those who voted in the negative, are Messrs.

Allred, Barclay, Burnett, Byars, Chester, Delapierre, Green, Griffin, of Twiggs, Hackett, Harris, of Dougherty, Hill, of Troup, Hyde, Jamison, Johnson, of Clayton, Maddox, McRae, Oliver, Poole, Quillian, Reid, of Morgan, Reid, of Taliaferro, Riley, Roberts, Sheppard, Sirman, Wallace.

So the motion to postpone indefinitely, prevailed.

The Senate took up, as the report of the Committee of the Whole,

A bill, to be entitled an act to authorize the Administrators of Henry Snelling, and Jesse Story, to sell the real estate of their intestates, on the first Tuesday in December next.

The report was agreed to, the bill was read the third time and lost.

The Senate took up, as the report of the Committee of the Whole,

A bill to be entitled an act to compensate the Grand and Petit Jurors of the county of Dougherty.

Mr. Holt offered the following bill as a substitute, to wit:

A bill, to be entitled an act to authorize the Inferior Courts, of the several counties of this State, to fix the compensation of Jurors, in their respective counties, and to provide a fund for the payment thereof, which was adopted.

The report, as amended, was then agreed to.

On motion, the same was referred to the committee on Finance.

The following message was received from the House of Representatives, by Mr. Diamond, their Clerk.

Mr. President: I am directed by the House of Representatives to inform the Senate, that they have passed a resolution, requiring the portrait of the Hon. James Jackson to be placed in the Representative Hall, instead of the Executive Chamber, and I am directed to transmit the same forthwith to the Senate.

On motion of Mr. Cone, the rules were suspended, and the following resolution of the House of Representatives, was taken up, read, and agreed to:

Whereas, the General Assembly of the State of Georgia, at its session, in the year 1858, did pass a resolution, authorizing the Governor to employ a competent Artist, to paint a full length portrait of General James Jackson, and when finished, that the same be placed in the Executive Department, and whereas, it appears that there is no suitable place for the said painting in the Executive Department,

Resolved. By the Senate and House of Representatives, that the said painting having been completed, be hung up in the Hall of the House of Representatives.

On motion, of Mr. Paine, the rules were further suspended, and the following resolution was taken up, read, and agreed to:

Whereas, His Excellency the Governor has set apart

Thursday, the 24th inst., as a day of Thanksgiving, and recommends Divine service to be held on that day :

Resolved, That a committee of three be appointed, on the part of Senate, to act in concert with a committee of the House of Representatives, to make arrangements for service in the Hall of Representatives, on Thursday, the 24th inst., and invite some distinguished Divine, to deliver an appropriate sermon on the occasion.

Under the foregoing resolution, Messrs. Paine, Hill, of Wilkes, and Briscoe, were appointed as said committee, on the part of the Senate.

On motion, of Mr. King, the rules were further suspended, and the following resolution was taken up, read and agreed to.

Resolved, That so much of the Executive message as relates to the Judiciary, be referred to the committee on the Judiciary; on Finance, to the committee on Finance; on Internal Improvement, to the committee on Internal Improvement; on Education and Free Schools, to the committee on Public Education and Free Schools; on Banks, to the committee on Banks; on Penitentiary, to the committee on the Penitentiary; on the Lunatic Asylum, to the committee on the Lunatic Asylum; on the Military, to the committee on the Military; on Printing, to the committee on Printing; on the Deaf and Dumb Asylum, to the committee on the Deaf and Dumb Asylum; on the Institution for the Blind, to the committee on the Institution for the Blind; on Federal Relations, to the committee on the state of the Republic.

Mr. McGehee offered the following resolution, which was read :

Resolved, That the committee on the Judiciary be requested to take into consideration the unfortunate strifes, dissensions and bloodshed, that occur around the ballot box, in the exercise of the highest privilege of freemen, as well as the pernicious influences growing out of the arming, conducting and forcing intoxicated persons to vote, and to authorize Managers of Elections to refuse to receive the ballot of any voter, whom they may consider fully intoxicated; and all such arming, persuading, or conducting of any voter, to the polls, unless a necessity is apparent, from disease, some bodily infirmity, or the decrepitude of age, shall be made a misdemeanor, punishable at the discretion of the Judges of the Superior Court; and that the Judiciary committee be required to report a bill for the correction of such evils.

The Senate took up, as the report of the Committee of the Whole,

A bill, to be entitled an act to regulate the School Fund of Habersham county, and for other purposes therein named.

The report was agreed to, the bill was read the third time, and passed.

The Senate took up, as the report of the Committee of the Whole,

A bill, to be entitled an act to incorporate the town of Perry, in Houston county, and to extend the limits of the same, and to repeal an act to incorporate the town of Perry, in Houston county, and to define the duties and authorities of the same, passed the 28th day of December, 1828, and for other purposes therein mentioned.

Mr. McGhee, moved to amend the report, by striking out the name of S. D. Kellum, which was agreed to.

The report, as amended, was then adopted, the bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole,

A bill, to be entitled an act for the relief of the securities of George F. Wing, former Tax Collector of McIntosh county.

The report was agreed to, the bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole,

A bill, to be entitled an act to amend an act entitled an act to alter and amend the road laws of this State, so far as relates to the county of Wayne, assented to, December 22nd, 1857.

The report was agreed to, the bill was read the third time, and passed.

The Senate took up, as the report of the Committee of the Whole,

A bill, to be entitled an act to authorize the Mayor and Council, of the city of Atlanta, to take possession of the enclosed grounds, lying between the general passenger Depot and Decatur Street, and the Atlanta Hotel and Loyd Street, in the city of Atlanta, for the purpose of beautifying and ornamenting the same, to be used as a Rail Road Park.

The report was agreed to, the bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole,

A bill, to be entitled an act to incorporate the town of Ellaville, in Schley county.

The report was agreed to, the bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole,

A bill, to be entitled an act to repeal the 7th section of an act entitled an act to incorporate, and grant certain privileges and powers to the Newnan Guards, in the town of Newnan, Coweta county, and for other purposes herein mentioned, and to repeal the 4th section of an act entitled an act to regulate the compensation of Jurors, in the county of Jefferson, and for other purposes therein mentioned.

The report was agreed to, the bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole,

A bill, to be entitled an act for the relief of Amy Clark, from certain disabilities therein mentioned.

The report was agreed to, the bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole,

A bill, to be entitled an act to incorporate the Georgia Insurance Company.

The report was agreed to, the bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole,

A bill, to be entitled an act to amend an act entitled an act to charter the Charleston and Savannah Railroad, and for other purposes.

The report was agreed to, the bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole,

A bill to be entitled an act to alter and amend the act incorporating the town of Lincoln, and the several acts amendatory thereof, to confer additional powers upon the Commissioners, in relation to raising revenue, the preservation of good order, the regulation of license for vending spiritous liquors, prescribing the qualification of voters, and for other purposes.

The report was agreed to, the bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole,

A bill, to be entitled an act to legalize the holding of the Superior Court, of the county of Carroll, at its last term.

The report was agreed to, the bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole,

A bill, to be entitled an act to amend the charter of the city of Griffin.

The report was agreed to the bill was read the third time and passed.

The Senate then adjourned until 9 o'clock tomorrow morning.

SATURDAY, NOVEMBER 12th, 1859.

Senate met according to adjournment.

Leave of absence was granted to Messrs. Head, Kerby and Hill of Sumter, on account of special business.

Also, to Mr. Crittenden on account of sickness.

Mr. Billups moved to suspend the rules for the purpose of reading a bill the third time.

Which was agreed to.

The Senate took up, as the report of the committee of the whole

A bill to be entitled an act to incorporate the Clarke county Agricultural Society, and to confer certain powers and immunities on the same.

The report was agreed to, the bill was read the third time and passed.

Mr. Johnson of Clayton, Chairman of the committee on new counties and county lines, made the following report:

"The committee on new counties and county lines have had under consideration the following bills:"

A bill to be entitled an act to change the line between the counties of Early and Calhoun, and recommend that the same do pass.

Also a bill to be entitled an act, to change the line between the counties of Elbert and Hart, and recommend that the same do pass.

The Judiciary committee made the following report:

The judiciary committee to whom was referred the following bills beg leave to make the following report:

That a bill to be entitled an act to authorize guardians of insane persons to be made parties to suits brought by deceased guardians.

Also, a bill to be entitled an act to authorize juries to assess damages in matters of illegality, upon certain conditions.

Also, a bill to be entitled an act regulating the admission of testimony in certain cases.

Also, a bill to be entitled an act to amend an act to regulate the granting of new trials. Approved February 20th, 1854.

Report said bills back to the Senate, and recommend that they pass.

Also, a bill to be entitled an act to authorize juries in all actions sounding in damages to assess interest.

Report the same back to the Senate, and recommend that it do not pass.

Mr. Alfred introduced a bill to be entitled an act to give liens to stone cutters and marble companies.

Which was read the first time.

Mr. Chester introduced a bill to be entitled an act to authorize William Ford of Mitchell county, to peddle without license.

Which was read the first time.

Mr. Collier introduced a bill to be entitled an act to add a proviso to the first section of an act entitled an act to abolish imprisonment for debt, on certain conditions herein set forth, and for other purposes. Assented to the 11th day of December, 1858.

Which was read the first time.

Mr. Donaldson introduced a bill to be entitled an act to change the time of holding the Superior Courts of Pierce county.

Which was read the first time.

Mr. Evans introduced a bill to be entitled an act to incorporate the Stewart Volunteers, and to extend to them certain privileges.

Which was read the first time.

Mr. Gartrell introduced a bill to be entitled an act to incorporate the Polk Slate Mine Rail Road Company

Which was read the first time.

Mr. Hall introduced,

A bill to be entitled an act to extend the provisions of an act entitled an act to exempt from levy and sale under execution, certain property therein mentioned, assented to December 11th, 1841, and to repeal a portion of said act; which was read the first time.

Mr. Hightower introduced,

A bill to be entitled an act to amend an act entitled an act to incorporate the Canton Mining Company of Georgia, approved Dec. 17th, 1855; which was read the first time.

Mr. Hill of Troup introduced

A bill to be entitled an act to regulate the issuing of marriage license in this State, and for other purposes; which was read the first time.

Mr. Hill of Troup moved to print 150 copies of said bill, which was agreed to.

Mr. Hitchcock introduced

A bill to be entitled an act for the relief of W. F. C. Faulkner of Madison county; which was read the first time.

Mr. Johnson of Clayton introduced

A bill to be entitled an act define and declare the duty of the Clerks of the Superior and Inferior Courts of this State, and to declare the force, effect and validity of certified copies of the files in said Courts; which was read the first time.

Mr. Lawton introduced

A bill to be entitled an act to incorporate the Vernon Shell Road company, &c.; which was read the first time.

Also a bill to be entitled an act to extend the charter of the Planter's Bank of the State of Georgia, &c.; which was read the first time.

Mr. Lenoir introduced

A bill to be entitled an act to point out and prescribe the manner of disposing of the nett profits of the Western & Atlantic Railroad; which was read the first time.

Also a bill to be entitled an act to alter and fix the time of holding elections for Judges of the Superior Courts, Justices of the Inferior Courts, Attorney General and Solicitors General, and for all county officers, and for other purposes; which was read the first time.

Also a bill to be entitled an act to authorize the Ordinary of the county of DeKalb to pay arrearages due J. F. Buchanan, a teacher of poor children in said county, for the year 1853; which was read the first time.

Mr. Lockhart introduced

A bill to incorporate a steam and poll boat navigation company on the Savannah River above Augusta; which was read the first time.

Mr. Miller, introduced

A bill to be entitled an act to regulate the testimony of Attorneys at Law, &c.,

Which was read the first time.

Mr. Cannon, introduced

A bill to be entitled an act to compel non-residents of the county of Wayne, to return and pay tax in said county on all stock cattle owned, grazed and penned in said county,

Which was read the first time.

Mr. Moore, introduced

A bill to be entitled an act to change the name of the Planters and Mechanics' Bank of Dalton,

Which was read the first time.

Mr. Morris, introduced

A bill to be entitled an act to incorporate the town of Carnesville in the county of Franklin, and for other purposes;

Which was read the first time.

Mr. Poole introduced a bill to be entitled an act to relieve Demsey L. Hubbard, of Hall county, from paying poll tax.

Which was read the first time.

Mr. Quillian introduced a bill to be entitled an act to provide for the distribution and disbursements of the common school fund to which the county of Gilmer is, or may be entitled, under and by virtue of an act passed 11th December, 1858, and for other purposes therein mentioned.

Which was read the first time.

Mr. Reid introduced a bill to be entitled an act to incorporate the Home Guards in Madison, Morgan county.

Which was read the first time.

Mr. Robinson introduced a bill to be entitled an act to authorize the Inferior Court of Early county to levy a road tax, and for other purposes.

Which was read the first time.

Mr. Sermons introduced a bill to be entitled an act to submit the question of the removal of the Court House of the county of Clinch to the voters thereof.

Which was read the first time.

Mr. Sturges introduced a bill to be entitled an act to repeal the 5th section of an act approved the 22d day of December, 1857, entitled an act to amend an act passed the 17th day of December, 1847, to authorize parties to compel discoveries at common law, and for other purposes therein mentioned.

Which was read the first time.

Also, a bill to be entitled an act to amend the several acts now of force, prescribing the mode of electing the municipal and other officers of the city of Augusta, and the members of the city council, so as to make them elected by general ticket, except as therein excepted, to abolish the office of Recorder, to repeal the registry laws, and for other purposes.

Which was read the first time.

Mr. Ward introduced a bill to be entitled an act to define the words "Elementary Branches" in the act entitled an act to provide for the education of the children of this State between certain ages, and to provide an annual sinking fund for the extinguishment of the public debt. Assented to December 11th, 1859.

Which was read the first time.

Also, a bill to be entitled an act to authorize Miles G. Brown, of the county of Greene to practice medicine, in the treatment of cases of Dropsey, and to collect his fees for the same.

Which was read the first time.

Also, a bill to be entitled an act to provide for the voluntary enslavement of free persons of color within this State.

Which was read the first time.

Mr. Wellborn introduced a bill to be entitled an act to increase the pay of witnesses in civil and criminal cases.

Which was read the first time.

Mr. Williams introduced a bill to be entitled an act to provide for the election of county Treasurer, in the county of Berrien.

Which was read the first time.

Mr. Williams introduced a bill to be entitled an act to compensate the Grand and Petit Jurors of the county of Terrell, and to authorize the levying of a tax for the same.

Which was read the first time.

Also, a bill to be entitled an act to alter and amend the first section of an act to incorporate the town of Dawson, in the county of Terrell, and to provide for the election of President, Councilmen and Marshal, for the same, and for other purposes.

Which was read the first time.

Mr. Evans introduced a bill to be entitled an act to incorporate the enterprise Rail Road Company.

Which was read the first time.

Mr. Seward introduced a bill to be entitled an act to authorize the county of Thomas to aid in the construction of the South Georgia and Florida Rail Road.

Which was read the first time.

The following message was received from the House of Representatives, by Mr. Diamond, their Clerk.

Mr President: I am directed by the House of Representatives to inform the Senate that they have passed the following bills, to wit:

A bill, to authorize the State Treasurer to make certain advances.

Mr. Riley offered the following resolution, which was taken up, read and agreed to.

Whereas, a serious effort was made in the last Congress, to withhold the usual appropriations for the branch Mint at Dahlonega, in this State, and thereby in effect to abolish the same, and,

• Whereas, the said Mint is of great and growing import-

ance to the gold diggers of Lumpkin, and the surrounding counties, inasmuch as heavy sums of money are now being expended in cutting canals, diverting water courses, and thereby developing the gold buried in the mountains of Georgia, and

Whereas, increasing quantities of gold are being returned for coinage, at said Mint, from the above causes, as well as from the fact that a large number of the citizens of Upper Georgia, are now engaged in gold digging in the Rocky Mountains, who return the ore for coinage at the Dahlonega Mint, and

Whereas, the said Mint, at Dahlonega, is almost the only one which directly benefits the actual laborer, the gold digger himself, and one of the few establishments of the Federal Government, of any sort, wherein a pittance of Federal money is expended in the South, therefore,

Be it Resolved, By the Senate and House of Representatives of Georgia, that our Senators and Representatives in Congress, be requested to use all efforts in their power to continue said Mint, and to procure the usual appropriations therefor.

Resolved. That His Excellency the Governor be requested to transmit a copy of this Preamble and Resolution, to each of our Senators and Representatives in Congress.

On motion of Mr. Printup, the Secretary was directed to transmit said resolution forthwith to the House of Representatives.

On motion of Mr. Johnson, of Clayton, the rules were suspended, and the following bills of the House of Representatives were taken up and read the first time.

A bill, to be entitled an act to incorporate the Lucy Cobb Institute, for the Education of Young Ladies, in the town of Athens.

Also a bill, to be entitled an act to authorize the Inferior Court of Richmond county, to levy an extra tax for certain purposes.

Also a bill, to be entitled an act to amend an act entitled an act to incorporate the Columbus Savings and Mutual Loan Association, approved March the 1st, 1856.

Also a bill, to be entitled an act to incorporate the Grand and Petit Jurors, of the county of Dade, and to authorize the levying of a tax for the same.

Also a bill, to be entitled an act to amend the charter of the South Western Rail Road Company, and to authorize an increase of the capital stock of said Company

Also a bill, to be entitled an act to allow the Superintendents of all Elections, at precincts, without the limits of a city, town, or village, in this State, to close the polls of such Elections, after the hour of four o'clock, P M., and for other purposes.

Also a bill, to be entitled an act to reduce the Sheriff's Bond, in the county of White.

Also a bill, to be entitled an act to change the lines between the counties of Coffee and Irwin.

Also a bill, to be entitled an act fixing the time of holding the Superior Courts, in the county of Coffee.

Also a bill to be entitled an act to incorporate the Bainbridge, Florida, Railroad Company.

Also a bill, to be entitled an act to provide for the compensation of Sheriffs, for the summoning of Grand and Petit Jurors in the county of Dougherty, and to levy a tax for the same.

Also a bill, to be entitled an act for the relief of a portion of the legatees of William Watson, deceased.

Also a bill, to be entitled an act for the relief of John F. Jackson, and other persons therein mentioned.

Also a bill, to be entitled an act to protect and encourage the erection of artificial Fish Ponds, and to make any trespass on the same penal, and for other purposes.

Also a bill to be entitled an act to give the Receiver of Tax Returns, of the county of Chatham, certain commissions.

Also a bill, to be entitled an act to amend an act to incorporate a Company of Infantry, in the town of Fort Valley, and also to incorporate the Oglethorpe Light Infantry, of Savannah, and to confer certain privileges upon the same.

Also a bill, to be entitled an act to alter and amend the Road Laws of this State, so far as relates to the county of Harris.

Also a bill, to be entitled an act to consolidate the offices of Tax Collector and Tax Receiver, of the county of Irwin.

Also a bill, to be entitled an act to change the line between the counties of Hall and Banks.

Also a bill, to be entitled an act to expedite the progress of certain cases, taken up to the Supreme Court, by writ of error.

Also a bill, to be entitled an act for the relief of William P. Redwine, of the county of Fayette.

Also a bill, to be entitled an act for the relief of J. C. Smith, formerly of Fayette, now of Clayton county.

Also a bill to be entitled an act to amend an act to incorporate the town of Fort Valley, in the county of Houston and to provide for the election of Commissioners for the same, approved March 3d, 1856.

Also a bill to be entitled an act to repeal so much of an act entitled an act, to extend the corporate limits of the town of Hamilton, in the county of Harris, and other places therein named, and to incorporate the town of Trenton in Dade county, approved Feb. 18th, 1854, as relates to the

incorporation of the town of Trenton, and to provide for working the streets of the town of Trenton.

Also, a bill to be entitled an act to repeal an act to authorize the Georgia Railroad and Banking Company to build a Branch Road to the town of Eatonton in Putnam county, and to increase the capital stock of said Company, assented to 11th December, 1858.

Also, a bill to be entitled an act for the relief of teachers of poor children in Muscogee county, in the year 1853.

Also, a bill to be entitled an act to give to Charles N. Terry and Joseph H. Morehouse, the same privileges and make them subject to the same liabilities as though they were of lawful age.

Also, a bill to be entitled an act authorizing the Inferior Court of the county of Murray, to increase the Tax for the said county, and for other purposes.

Also, a bill to be entitled an act to authorize the Inferior Court of Pierce county, to assess an extra tax for the purpose of building a Jail.

Also, a bill to be entitled an act for the relief of the securities upon the bonds of substituted trustees, and for other purposes therein named.

Also, a bill to be entitled an act to authorise the State Treasurer to make certain advances.

On motion of Mr. Fulton the rules were suspended, and the following resolution was taken up, read and agreed to :

Resolved That the Hon. M. H. Wellborn be added to the committee on the Lunatic Asylum.

Mr. Smith of Hancock, offered the following resolution which was taken up, read and agreed to :

Resolved, That a committee of five consisting of Physicians be appointed to investigate all applications before this General Assembly for license to practice Medicine.

Mr. Harris of Dougherty, offered the following resolution which was taken up, read and agreed to :

Resolved, That the Secretary of the Senate be authorized to employ eight additional clerks in the engrossing department if he deem so many necessary.

Mr. Fulton offered the following resolution which was taken up, read and agreed to.

Resolved, That the committee of the Senate and House on the Lunatic Asylum, the Institution for the Deaf and Dumb, the Penitentiary and the Asylum for the Blind be constituted a joint committee upon the concurrence of the House in this resolution.

Mr. Harris from the committee on Enrollment reported as duly enrolled, signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate

A resolution in relation to the portrait of General James Jackson.

The following Message was received from the House of Representatives by Mr. Diamond, their Clerk.

Mr. President—I am directed by the House of Representatives, to inform the Senate that they have passed the following bills, to-wit:

A bill to add an additional section to the twelfth division of this State.

Also, a bill to amend the Road Laws of this State, approved 19th day of December, 1818, and to punish persons for violating the same.

Also, a bill to incorporate the Bainbridge Volunteers, and to confer certain privileges on the same.

Also, a bill to amend an act incorporating the Griffin Light Guards, and conferring certain privileges on the same.

Also, a bill to authorize the Ordinary of Warren county, to pay a certain sum of money out of the school funds to a person therein named.

Also, a bill to change the time of holding the Inferior Courts of Terrell county

Also, a bill to consolidate the Offices of Tax Receiver and Collector of Wilcox county.

Also, a bill to authorize the Inferior Court of Ware county, to levy an extra tax for a certain purpose therein named.

Also, a bill to incorporate the Bainbridge and Florida Railroad Company.

Also, a bill to compensate witnesses in the various Militia Districts in this State.

Also, a bill to allow Stephen Williams, of Pierce, and John Taylor of Ware counties, to peddle in the 1st Congressional District without paying for license.

The President appointed as the committee on consolidation, Messrs. Cannon, Jamison and Smith of Hancock.

On motion of Mr. Hill of Troup, the rules were suspended, and the following bills of the Senate were taken up, and severally read the second time, and referred to the committee on the Judiciary.

A bill to be entitled an act to amend the 13th section of the 13th division of the Penal Code of the State of Georgia, so as to increase the penalty for selling and furnishing intoxicating liquor to slaves and free persons of color

Also, a bill to be entitled an act to alter and amend an act entitled an act to point out the mode for the collection of rents, approved December 16th, 1811. and for other purposes.

Also, a bill to be entitled an act to amend the divorce laws of this State, and for other purposes.

Also, a bill to be entitled an act to give a construction to and render more certain the 4th section of the Statute of Frauds and Perjuries, so far as the same relates to any contract or sale of lands, tenements or hereditaments or any interest in or concerning them.

Also, a bill to be entitled an act to revise the jury system of this State, to abolish Appeals and Petit Jury trials to regulate continuances, to declare who are liable to serve as Jurors, to provide a mode for striking special juries, to expedite litigation in the Superior Courts of this State, and for other purposes therein mentioned.

Also, a bill to be entitled an act to compel free persons of color to leave the State, and for other purposes.

Mr. Miller moved to print two hundred copies of said bill, which was agreed to.

Also, a bill to be entitled an act to explain the several acts of this State, so far as not to prevent the Judges of the Superior Courts, from calling the dockets thereof and from alternating in the trial of certain causes therein mentioned, so as to expedite the business of said Courts.

Also, a bill to be entitled an act to define and punish vagrancy in free persons of color.

Also, a bill to be entitled an act to create a new Judicial Circuit, to be called the Atlanta Circuit to be composed of the counties of Fulton, DeKalb, Fayette, Clayton and Gwinnett, and to add to the Coweta Circuit the counties of Coweta, Heard and Harris, and to add to the Tallapoosa Circuit the county of Paulding, and for other purposes.

Also, a bill to be entitled an act to amend an act entitled an act to carry into effect the sixth article of the Constitution, providing for the distribution of Intestates Estates, and for other purposes therein mentioned, so as to extend to and embrace the child or children of intestate's nephews and neices.

Also, a bill to be entitled an act to give to Justices Courts Jurisdiction in actions sounding in damages under certain restrictions, and for other purposes.

Also, a bill to be entitled an act to amend an act in reference to granting divorces, approved December 5th, 1806.

Also, a bill to be entitled an act to define and declare the Jurisdiction of the Courts of this State, in suits against Railroad Companies.

The Senate took up the following bill, which was read

the second time and referred to the committee on New Counties and County Lines.

A bill to be entitled an act to alter and change the line between the counties of Madison and Jackson.

The Senate took up the following bills, which were severally read the second time and referred to the committee on Internal Improvements.

A bill to be entitled an act to authorize the consolidation of the stock of the Milledgeville and Gordon Railroad Company with the stock of the Central Railroad and Banking Company of Georgia, and

Also, to authorize the consolidation of the stock of the Eatonton Branch Railroad with the stock of the Central Railroad and Banking Company of Georgia, and

Also, to authorize an increase of the capital stock of the said, (the Central Railroad and Banking Company of Georgia, and for other purposes.

Also, a bill to be entitled an act to incorporate the Cane Creek Hydraulic Hose Mining Company.

The Senate took up the following bill, which was read the second time and referred to the committee on Amendments to the Constitution.

A bill to be entitled an act to alter and amend the second section of the first article of the Constitution of this State.

The Senate took up the following bill, which was read the second time and referred to the committee on the Military.

A bill to be entitled an act to incorporate the Scott Rifles a Volunteer Company in the county of Talbot, and to confer certain privileges on the members of said Company.

The Senate took up the following bills, which were severally read the second time and referred to the Committee of the Whole.

A bill to be entitled an act to confer additional powers upon the Mayor and Council of the city of LaGrange, to regulate the rate of taxation in said city, and to grant certain exemptions to the diligent Firemen of LaGrange.

Also, a bill to be entitled an act to authorize A. R. Lowe a minor of the county of Chattahoochee to receive of his Guardian, E. W. Miller his entire property of what kind soever, and to manage and control the same and to do other things and acts therein named, and for other purposes.

Also, a bill to be entitled an act to reduce Jurisdiction of Justices of the Peace.

Also, a bill to be entitled an act for the relief of Gideon Watson of the county of Dooly, and for other purposes.

Also, a bill to be entitled an act for the relief of the Estate of Samuel Martin, late of the county of Fayette, deceased.

Also, a bill to be entitled an act to compel persons owning uncultivated lands within the Lottery Districts in the State of Georgia, to return and pay tax for the same in the county where the land lies.

Also, a bill to be entitled an act to change the line of Wilcox and Pulaski, so as to include the lands of John F McLeod, a citizen of Wilcox county.

Also, a bill to be entitled an act to make valid certain sales of real estate heretofore made by Executors, Administrators and Guardians of this State.

Also, a bill to be entitled an act to repeal an act entitled an act to authorize the election of Marshal, for the town of Newnan in the county of Coweta, in the same way and manner as Commissioners for said town are now elected by law, approved February 17th, 1854.

Also, a bill to be entitled an act to authorized Nicholas Grice, of Merriwether county, an infirm and indigent person to peddle without paying for the privilege of so doing.

Also, a bill to be entitled an act to incorporate the town of Jonesboro in the county of Clayton, and to provide for the election of Commissioners, Marshal and Clerk, and for other purposes therein named.

Also, a bill to be entitled an act for the relief of William D. Rigdon, of Charlton county, and for other purposes.

Also, a bill to incorporate the Presbyterian Church in the town of Perry, Houston county

Also, a bill to be entitled an act to authorize Jabez H. Whittlesay, of the county of Marion, to practice medicine upon the Homeopathic System, and to charge and to collect for his services, and for other purposes.

Also, a bill to be entitled an act for the relief Joseph A. B Duce of Terrell county

Also, a bill to be entitled an act to incorporate the town of Statenville in Echols county, and provide for the government of the same.

Also, a bill to be entitled an act to change the line between Merriwether and Coweta counties, so as to include lots of land No's one and two in the Second District of Coweta, county, in the county of Merriwether.

Senate then adjourned until 9 o'clock Monday morning next.

MONDAY MORNING, NOVEMBER 1st, 1859.

The Senate met according to adjournment.

On motion of Mr. Johnson of Clayton the rules were suspended and the following resolution previously offered by him was taken up, read and agreed to.

Resolved, That the Senate now proceed to the election of a President of the Senate pro tem.

On motion of Mr. Cone the Senate then proceeded to elect by ballot a President pro tem, when on receiving and counting out the ballots it appeared that the Hon. T. W. Miller, Senator elect from the county of Richmond, was duly elected.

The Senate took up as the report of the committee of the whole :

“A bill to be entitled ou act to change the line between the counties of Early and Calhoun.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole :

A bill to be entitled an act to authorize Guardians of insane persons to be made parties to suits brought by deceased guardians.

Mr. Collier moved to amend the report by adding the following proviso, to the 1st section, which was lost :

“Provided that this act shall not apply to any suit now pending.

The report was agreed to. The Bill was read the third time and passed.

The following Message was received from the House of Representatives, by Mr. Diamond, their Secretary :

Mr. President : The House of Representatives have elected the Hon. David W. Lewis member elect from the county of Hancock, as their Speaker pro tem., and directed me to inform the Senate of the same :

The Senate took up as the report of the committee of the whole :

A bill to be entitled an act to amend an act entitled an act to regulate the granting of new trials, approved Feb. 20th, 1854,

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole :

A bill to be entitled an act to amend the laws of this

State, regulating the admission of testimony in certain cases.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole :

A bill to be entitled an act to authorize Juries to assess damages in matters of illegality, upon certain conditions.

The report was agreed to, the Bill was read the third time and passed.

The Senate took up as the report of the Committee of the whole :

A bill to be entitled an act to authorize Juries in all actions sounding in damages to assess interest, &c.

The Judiciary Committee to whom said bill was referred reported against its passage.

The report was agreed to, the bill was read the third time and lost.

The Senate took up as the report of the committee of the whole :

A bill to be entitled an act to amend the 10th section of the 10th division of the Penal Laws of this State.

On motion the same was referred to the committee on the Judiciary.

The Senate took up as the report of the Committee of the whole :

A bill to be entitled an act to incorporate the Southern Rights Guards, of Houston county.

On motion the same was referred to the committee on the Military.

The Senate took up as the report of the committee of the whole :

A bill to be entitled an act to give the election of Treasurer of the county of Forsyth to the people.

On motion the same was referred to the committee on the Judiciary

The Senate took up as the report of the Committee of the whole :

A bill to be entitled an act to repeal an act assented to on the 11th day of December, 1853, to abolish imprisonment for debt, and for other purposes.

On motion the same was referred to the committee on the Judiciary

The Senate took up as the report of the Committee of the whole :

A bill to be entitled an act to alter and change the Superior Court of Wilcox, Telfair, Irwin, and Berrien.

On motion the same was referred to the Senators from the counties named in the bill.

The Senate took up as the report of the Committee of the whole :

A bill to be entitled an act to add the county of Wilcox to the second Congressional District.

The report was agreed to, the Bill was read the third time and passed.

The Senate took up as the report of the Committee of the whole :

A bill to be entitled an act to amend an act entitled an act to provide for the education of the children of this State between certain ages, and to provide an annual sinking fund for the extinguishment of the public debt, assented to Dec. 11th, 1858, so far as the same relates to the county of Hall.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole :

A bill to be entitled an act to increase the number of hands liable to do road duty

On motion the same was postponed indefinitely.

The Senate took as the report of the committee of the whole :

A bill to be entitled an act to incorporate the Thomasville Manufacturing Agricultural and Commercial association, and for other purposes.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole :

"A bill to be entitled an act to give to the Inferior Court of the county of Telfair, power and authority to appoint some fit and proper person to be Treasurer, to receive and receipt for the sum of money to which said county may be entitled to, under the act to provide for the education of the children of this State assented to Dec. 11th 1858, when the ordinary refuses or neglects to give bond in terms of the law.

On motion the same was referred to a special committee consisting of Messrs. Paine, Bartlett, Oliver, Hutchins, and Carter of Elbert, with authority to report a general bill.

The following Message was received from his Excellency the Governor, by Mr. Waters, his Secretary, to wit :

Mr. President : The Governor has signed the Resolution endorsing and approving the course of President Buchanan, and Governor Wise, in relation to an attempt at insurrection at Harper's Ferry.

On motion of Mr. Burnett, the rules were suspended and the following resolution was taken up, read and agreed to.

Resolved, That the Hon. E. Lockhart, of Lincoln, and the Hon. T. J. Smith of Hancock, be added to the committee on the Lunatic Asylum.

On agreeing to which motion the yeas and nays were required to be recorded, and were yeas 84, nays 17

Those who voted in the affirmative are Messrs :

Atkinson, Barclay, Bartlett, Boggs, Bond, Briscoe, Brown, Burnett, Byars, Cannon, Carter of Echols, Carter of Elbert, Chester, Cloud, Collier, Cook, Davis, Delapierre, Donaldson, Fulton, Gartrell, Green, Grice, Griffin of Brooks, Hall, Harris of Dougherty, Head, Hightower, Hill of Troup, Hill of Wilkes, Hines, Holt, Hood, Hutchins, Hyde, Ivey, Jamison, Johnson of Clayton, Jordan, King, Lamar, Lawton, Lott, Mathew, Merrill, McDuffie, McRea, Miller, Moore of Laurens, Moore of Whitfield, Morris, Oliver, Poole, Pruitt, Reid of Morgan, Reid of Talliaferro, Ritch, Roberts, Seward, Shelton, Shellnut, Shepard, Sirman, Smith of Talbot, Snell, Sturges, Summerour, Sweatt, Tarver, Tatum, Turner, Usry, Walker, Wallace, Ward, Ware, Wellborn, Wells, White, Williams of Berrien, Williams of Rabun, Williams of Terrell, Wilson, Wynne, Young.

Those who voted in the negative are Messrs :

Alred, Barrow, Batts, Cooper, Cone, Cowen, Denham, Flewellen, Hart, Harris of Worth, Hitchcock, Maddox, Quillion, Riley, Sawyer, Spalding, Whitworth.

So the motion prevailed.

The following message was received from the House of Representatives by Mr. Diamond, their Clerk.

Mr. President : I am directed by the House of Representatives, to inform the Senate that they have passed the following bills, to-wit :

A bill to incorporate the town of Hawkinsville, in the town of Hawkinsville, in the county of Pulaski. Also,

A bill to allow Judges of the Superior Courts to furnish Juries with refreshments in certain cases. Also,

A bill to reduce the Sheriffs bond in Dooly county. Also,

A bill to provide for the admission in evidence of copy plats and grants. Also,

A bill to incorporate Etowah Lodge No. 222. Also,

A bill to give endorses control of fi fas, and judgments against their principals and prior endorsers in all cases in which the fi fas or judgments have heretofore been or may hereafter be, paid off by such endorsers.

The Senate took up as the report of the committee of the whole :

A bill to be entitled on act to incorporate the town of Warrenton, in Warren county, and to provide for the election of Commissioners for the same, and for other purposes therein named.

Mr. Collier moved to amend the report by adding several sections to said bill amending the charter of the city of Atlanta, and by changing the caption of said bill to correspond therewith.

Which was agreed to.

The report as amended was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole :

A bill to be entitled an act to prohibit persons from poisoning fish, in the water courses of Irwin county, for the purpose of killing fish.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of whole

A bill to be entitled an act to change the line between counties of Elbert and Hart.

The report was agreed to. The Bill was read the third time and passed.

The Senate took up as the report of the committee of the whole :

A bill to be entitled an act to authorize the administrators of the estate of James Young, sen., to sell the property of said estate, and to make titles to the same.

The report was agreed to. The bill was read the third time and passed.

On motion of Mr. Holt, the rules were suspended, and the following resolution was taken up read and agreed to.

Resolved, That a special committee of five be appointed to take into consideration the propriety and necessity of suppressing in this State, the business of peddling, and itinerant trading in all its forms, and that said committee report by bill or otherwise.

The committee appointed were Messrs. Holt, King, Hill of Troup, Collier, and Smith of Talbot.

The rules being suspended, Mr. Lawton offered the following resolution, which was taken up, read and agreed to.

Resolved, That the Messenger of the Senate be instructed to provide seats in one of the rooms of the Comptroller General's office, for the use of the Judiciary Committee of the Senate.

Mr. Wellborn offered the following resolution which was taken up, read and agreed to.

Resolved, That upon the concurrence of the House of Representatives in this Resolution, the General Assembly do meet in the Representative Hall, on Saturday, 19th inst. at 12 o'clock for the purpose of electing two commissioners to codify the laws of Georgia, to fill the vacancies caused by the resignation of the Hon. H. V. Johnson, and the Hon. Iverson L. Harris.

Mr. Atkinson offered the following resolution, which was taken up, read and agreed to:

Whereas, The Constitution of this State declares that the Arts and Sciences shall be promoted, in one or more seminaries of learning.

And whereas, The Trustees of the State University at the late meeting of the Senatus Academicus, have pronounced the present organization of that Institution a failure.

And Whereas, It is a matter of great concern to the people of this State, to have an Institution at whose fount the rising generation can imbibe the pure principles of Science, Philosophy, and Religion, and disseminate them amongst the people, untainted by sectarian prejudice and bias.

Resolved, By the General Assembly, that a committee of one from each Congressional District, and two from the State at large, be appointed by the Senate to join a similar committee from the House of Representatives, whose duty it shall be to take this matter into consideration and report thereon.

The Senate took up as the report of the committee of the whole :

A bill to be entitled an act to recover real property, and the rents and profits thereof, and to extend the statutes of jeofails, and amendments to an act entitled an act to simplify and curtail pleadings at law, passed, 27th day of December, 1847.

On motion the same was referred to a committee on the Judiciary.

The Senate took up as the report of the committee of the whole :

A bill to be entitled an act to constitute and declare Margaret Marshall Barclay, the adopted daughter of Mary M. Marshall, of the county of Chatham, the legitimate heir of the said Mary M. Marshall, and to enable her to inherit the property of the said Mary M. Marshall, and for other purposes.

On motion the same was referred to the committee on the Judiciary.

On motion of Mr. Paine, the rules were suspended, and the following bills of the Senate were taken up, and severally read the second time, and referred to the committee of the whole:

A bill to be entitled an act to authorize the administrators of the estate of the late Toliver Jones, of the county of Harris, to sell all the lands belonging to the said estate, lying in the counties of Harris, Muscogee, and Talbot, at the court-house in the county of Harris. Also,

A bill to be entitled an act for the relief of Henry Henson, and Elias Kilpatrick, of the county of Towns. Also,

A bill to be entitled an act to aid the citizens of Georgia, in the construction of Railroads in this State, upon the conditions and limitations therein specified.

On motion of Mr. King the same was made the special order for Monday next, the 21st inst., which was agreed to.

Also, a bill to be entitled an act to authorize the Governor to appoint some fit and proper person, to run out the line between the seventh district of Baker, and the third of Calhoun county.

Also, a bill to be entitled an act to relieve Edward I. Murhee, from paying poll tax, of the county of Charlton.

Also, a bill to be entitled an act to exempt Physicians from jury duty

Also, a bill to be entitled an act to pardon Francis J. Smith, of the county of Campbell, now under sentence of death for the crime of murder.

The same was made the special order for Friday next.

Mr. Miller moved to print 200 copies of the testimony in said case, for the use of the Senate, which was agreed to.

Also, a bill to be entitled an act to authorize the Governor of this State to grant certain privileges to the Dalton and Jacksonville Railroads.

Also, a bill to be entitled an act to compensate the Sheriff of Franklin county, for summoning grand and Petit Jurors of said county, and for other purposes.

Also, a bill to be entitled an act for the relief of John Farmer, and William Scott, securities, on the appearance bond of Newton Freeman, of the county of Gilmer.

Also, a bill to be entitled an act to change the line between the counties of Macon and Taylor.

Also, a bill to be entitled an act to confer certain rights and powers on Abraham E. Roberts, administrator of Robert J. Culbreath, of Walton county, deceased.

Also, a bill to be entitled an act to provide for the election of the Judges of the Superior Courts, Solicitors General, and Attorney Generals, by the General Assembly.

Also, a bill to be entitled an act to reduce the Sheriff's bond in the county of Irwin, and for other purposes.

Also, a bill to be entitled an act to incorporate the Mill-edgeville Manufacturing Company, and to confer certain privileges on the same.

Also, a bill to be entitled an act to give liens to stone cutters, and marble companies.

Also, a bill to be entitled an act to incorporate the Polk Slate Mine Railroad Company.

Also, a bill to be entitled an act to change the time of holding the Superior Courts of Pierce county.

Also, a bill to be entitled an act to authorize William Ford of Mitchell county, to peddle without a license.

Also, a bill to be entitled an act to alter and extend the provisions of an act entitled an act to exempt from levy and sale under execution, certain property therein mentioned, assented to December 11th, 1841, and to repeal a portion of said act.

Also, a bill to be entitled an act to amend an act entitled an act to incorporate the Canton Mining Company of Georgia, approved December 12th, 1855.

Also, a bill to be entitled an act for the relief of W. F. C. Faulkner, of Madison county.

Also, a bill to be entitled an act to compel non-residents of the county of Wayne to return and pay tax in said county on all stock-cattle owned, grazed, or penned in said county.

Also, a bill to be entitled an act to change the name of the Planters and Mechanics Bank of Dalton.

Also, a bill to be entitled an act to authorize the Ordinary of the county of DeKalb, to pay arrearages due J. F. Buchanan, a teacher of poor children in said county, for the year 1853.

Also, a bill to be entitled an act to incorporate the Vernon Shell Road Company, &c.

Also, a bill to be entitled an act to authorize the Inferior Court of Early county, to levy a Road tax, and for other purposes.

Also, a bill to be entitled an act to submit the question of the removal of the court house of the county of Clinch, to the voters thereof.

Also, a bill to be entitled an act to incorporate the town of Carnesville, in the county of Franklin, and for other purposes.

Also, a bill to be entitled an act to repeal the 5th section of an act approved the 22nd day of December, 1857, entitled an act to amend an act passed the 17th day of December, 1847, to authorize parties to compel discoveries at common-law, and for other purposes therein mentioned.

Also, a bill to be entitled an act to alter and amend the

first section of an act to incorporate the town of Dawson, in the county of Terrell, and to provide for the election of President, Councilmen, and Marshall, for the same, and for other purposes.

Also, a bill to be entitled an act to amend the several acts now of force, prescribing the mode of electing the municipal and other officers of the city of Augusta, and the members of the city council, so as to make their election by general ticket, except as therein excepted, to abolish the office of Recorder, to repeal the registry laws, and for other purposes.

Also, a bill to be entitled an act to relieve Dempsey L. Hubbard, of Hall county, from paying poll tax.

Also, a bill to be entitled an act to provide for the distribution and disbursement of the common school fund, to which the county of Gilmer, is or may be entitled under and by virtue of an act, passed 11th December 1853, and for other purposes therein mentioned.

Also, a bill to be entitled an act to authorize the county of Thomas to aid in the construction of the South Georgia and Florida Railroad.

Also, a bill to be entitled an act to incorporate the Enterprise Railroad Company.

Also, a bill to be entitled an act to provide for the election of county Treasurer, in the county of Berrien.

The Senate took up the following bills, which were severally read the second time, and referred to the committee on the Judiciary.

A bill to be entitled an act to allow the Attorney General, and Solicitors General, a fee in cases of peace warrants. Also,

A bill to be entitled an act to amend an act entitled an act to prescribe the manner in which names of persons may be changed, and persons born illegitimate, made legitimate, and to carry into effect the provisions of the constitution upon that subject, and also to prescribe the manner in which children may be adopted. approved March 6th, 1856, so as to extend the provisions of the same to grown persons as well as children.

Also, a bill to be entitled an act to repeal an act entitled an act to abolish imprisonment for debt, on certain conditions herein set forth, and for other purposes, approved Dec. 11th, 1858, and to provide a summary mode for discharging debtors when imprisoned for debt.

Also, a bill to be entitled an act to regulate the testimony of attorneys at law.

Also, a bill to be entitled an act to alter and fix the time of holding elections for Judges of the Superior Courts, Justices of the Inferior Courts, Attorney General, and Solici-

tors General, and for all county officers, and for other purposes.

Also, a bill to be entitled an act to define and declare the duty of the clerks of the Superior and Inferior courts of this State, and to declare the force, effect, and validity of certified copies, from the files in said courts.

Also, a bill to be entitled an act to regulate the issuing of marriage licenses in this State, to prescribe punishment for the violation of the provisions of this act, and for other purposes therein named.

On motion of Mr. Hill of Troup, one hundred and fifty copies of said bill were ordered to be printed for the use of the Senate. Which was agreed to.

Also, a bill to be entitled an act to add a proviso to the 1st section of an act entitled an act to abolish imprisonment for debt on certain conditions herein set forth, and for other purposes, Assented to December 11th, 1858.

Also, a bill to be entitled an act to provide for the voluntary enslavement of free persons of color, within this State.

Also, a bill to be entitled an act to increase the pay of witnesses in civil and criminal cases.

The Senate took up the following bills, which were severally read the second time, and referred to the committee on public education and free schools.

A bill to be entitled an act to abolish the Senatus Academicus, to give its powers to the board of trustees of the University of Georgia, and to vest the government of said University, in said board of trustees.

Also, a bill to be entitled an act to define the words "elementary branches" in the act entitled an act to provide for the education of the children of this State, between certain ages, and to provide an annual sinking fund for the extinguishment of the public debt, assented to December 11th, 1858.

Also, a bill to be entitled an act to suspend a part of the eighth section of an act entitled an act to provide for the education of the children of this State, between certain ages, and to provide an annual sinking fund for the extinguishment of the public debt, for the year eighteen hundred and fifty-eight, so far as relates to the county of Greene, and to authorize the Ordinary of said county to pay over to all the teachers of said county, the school funds belonging to said county, for the said year.

The Senate took up the following bills, which were severally read the second time, and referred to the committee on the Military.

A bill to be entitled an act to incorporate the Stewart Volunteers, to extend to them certain privileges.

Also, a bill to be entitled an act to incorporate the Home Guards, in Madison, Morgan county.

The Senate took up the following bills, which were severally read the second time, and referred to the committee on Internal Improvements.

A bill to be entitled an act to authorize the construction of a Railroad from Barnesville, in the county of Pike, to the city of Brunswick, in the county of Glynn, or some other port upon the Atlantic coast, within the limits of this State.

Also, a bill to be entitled an act to incorporate a steam and pole boat navigation company, on the Savannah river above Augusta.

The Senate took up the following bill, which was read the second time, and referred to the committee on Finance.

A bill to be entitled an act to point out and prescribe the manner of disposing of the nett profits of the Western and Atlantic Railroad.

The Senate took up the following bills which were severally read the second time and referred to the committee on new counties and county lines.

A bill to be entitled an act to lay out and organize a new county from the counties of Polk, Floyd, Cass, and Paulding.

Also, a bill to be entitled an act to change the line between the counties of Habersham, and White.

The Senate took up the following bill which was read the second time, and referred to the committee on Banks.

A bill to be entitled an act to extend the charter of the Planter's Bank of the State of Georgia.

The Senate took up the following bill, which was read the second time, and referred to a special committee on consolidation.

A bill to be entitled an act to compensate the grand and petit jurors, of the county of Terrell, and to authorize the levying of a tax for the same.

The Senate took up the following bill, which was read the second time, and referred to a select committee of Physicians.

A bill to be entitled an act to authorize Miles G. Broome, of the county of Greene, to practice medicine in the treatment of cases of Dropsy, and to collect fees for the same.

Mr. Cone moved to suspend the rules, and that when the Senate adjourns, it meet again at 3 o'clock this day, for the purpose of reading bills of the House of Representatives the first and second time.

The Senate then adjourned until 3 o'clock P. M.

THREE O'CLOCK, P. M.

The Senate met according to adjournment.

The following bills of the House of Representatives were taken up and read the second time, and referred to the committee of the whole:

A bill to be entitled, an act to repeal an act to authorize the Georgia Rail Road and Banking Company to build a branch Rail Road to the town of Eatonton, in Putnam county, and to increase the capital stock of said company. Assented to 11th December, 1858.

Also, a bill to be entitled an act to give to Charles N. Terry and Joseph H. Morehouse the same privileges, and make them subject to the same liabilities as though they were of lawful age.

Also, a bill to be entitled an act to repeal so much of an act entitled an act to extend the corporate limits of the town of Hamilton, in the county of Harris, and other places therein named, and to incorporate the town of Trenton, in Dade county; approved February 18th, 1854, as relates to the incorporation of the town of Trenton, and to provide for the working the streets in the town of Trenton.

Also, a bill to be entitled an act authorizing the Inferior Court, of the county of Murray, to increase the tax for the said county, and for other purposes.

Also, a bill to be entitled an act for the relief of securities upon the bonds of substituted trustees, and for other purposes therein mentioned.

Also, a bill to be entitled an act to authorize the Inferior Court of Pierce county to assess an extra tax for the purpose of building a jail.

Also, a bill to be entitled an act for the relief of Teachers of poor children in Muscogee county, in the year 1858.

Also, a bill to be entitled an act to authorize the State Treasurer to make certain advances.

Also, a bill to be entitled an act for the relief of William P. Redwine, of the county of Fayette.

Also, a bill to be entitled an act to give the Receiver of Tax Returns of the county of Chatham certain Commissions.

Also, a bill to be entitled an act to remove the county site of Lowndes county. To change the line between said county, and the county of Brooks, and for other purposes.

Also, a bill to be entitled an act to alter and amend the road laws of this State, so far as relates to the county of Harris.

Also, a bill to be entitled an act to change the line between the counties of Hall and Banks.

Also, a bill to be entitled an act to consolidate the offices of Tax Collector and Tax Receiver, of the county of Irwin.

Also, a bill to be entitled an act to expedite the progress of certain cases taken up to the Supreme Court by writ of error.

Also, a bill to be entitled an act to amend an act to incorporate a corps of Infantry, in the town of Fort Valley; and also, to incorporate the Oglethorpe Light Infantry, of Savannah, and to confer certain privileges upon the same.

Also, a bill to be entitled an act to reduce the Sheriffs bond, in the county of White.

Also, a bill to be entitled an act for the relief of J. C. Smith, formerly of Fayette, now of Clayton county,

Also, a bill to be entitled an act to amend an act to incorporate the town of Fort Valley, in the county of Houston, and to provide for the election of Commissioners for the same. Approved March 3d, 1856.

Also, a bill to be entitled an act to protect and encourage the erection of artificial fish ponds, and to make any trespass on the same penal, and for other purposes.

Also, a bill to be entitled an act for the relief of John F Jackson, and other persons therein mentioned.

Also, a bill to be entitled an act to amend an act entitled an act to incorporate the Columbus Savings and Mutual Loan Association. Approved March 1st, 1856.

Also, a bill to be entitled an act to authorize the Inferior Court of Richmond county to levy an extra tax for certain purposes.

Also, a bill to be entitled an act to incorporate the Lucy Cobb Institute, for the education of young ladies, in the town of Athens.

Also, a bill to be entitled an act to compensate the Grand and Petit Jurors, of the county of Dade, and to authorize the levying of a tax for the same.

Also, a bill to be entitled an act to amend the Charter of the South Western Rail Road Company, and to authorize an increase of the capital stock of said Company.

Also, a bill to be entitled an act to allow the Superintendents of all elections at precincts without the limits of a city, town or village in this State, to close the polls of such elections after the hour of four o'clock, P. M., and for other purposes.

Also, a bill to be entitled an act to change the lines between the counties of Coffee and Irwin.

Also, a bill to be entitled an act to Incorporate the Bainbridge and Florida Rail Road Company

Also, a bill to be entitled an act fixing the time of holding the Inferior Courts in the county of Coffee.

Also, a bill to be entitled an act to provide for the compensation of Sheriffs for the summoning of Grand and Petit Jurors, in the county of Dougherty, and to levy a tax for the same.

Also, a bill to be entitled an act for the relief of a portion of the Legatees of William Watson, deceased.

The President appointed Messrs. Flewellen, Hood, DeLapierre, Tatum and Davis, as a committee on the application of Physicians.

On motion of Mr. Cook, the Senate then adjourned until 9 o'clock, to-morrow morning.

TUESDAY, NOVEMBER 15th, 1859.

Senate met according to adjournment.

Mr. Atkinson offered the following resolution which was read :

Whereas, Persons connected in the beginning with the plots of the Harper's Ferry treason, and murders having published statements, that certain Senators in the Congress of the United States, were cognizant of the conspiracy against the peace of the Union and the lives and property of the people of Virginia and other slaveholding States, and it being due alike to the character of the Senators implicated and to the peace and safety of the Union, that these grave imputations should be inquired into,

Resolved, That the people of every portion of this Great Confederacy of States are alike under the protection of the Government thereof, and if any member of either House of Congress be informed or have reason to suspect that there is a plot on foot, to commit treason or murder, or to excite or promote a servile insurrection in any State of the Union, his duty as a citizen, his allegiance to the Constitution, and his oath of office all alike bind him to submit without delay the matter fully and clearly to the House of which he is a member, if in session, and if not in session then to the executive officers of the Government that the meditated mischief may

be prevented and the instigators thereof, brought to justice and condign punishment. If any Senator or Representative therefore in the Congress be direlict in the performance of this important duty he should cease to occupy a portion of trust or confidence in the Councils of the nation.

Resolved, That entertaining these opinions the General Assembly of the sovereign State of Georgia, hereby instruct their Senators in Congress and enjoin it on them to move in the United States Senate, that the charges against any Senator or Senators made in the manner aforesaid, or in any other manner creating a reasonable probability of their guilt be thoroughly investigated and with all their power to urge such investigation, and if such charges be found true, to urge the expulsion of the guilty Senator or Senators from the Senate.

Resolved, That our Representatives in Congress be requested to pursue the like course in the House of Representatives, and that a copy of these resolutions be forwarded to our Senators and Representatives in Congress.

Also, the following resolution which was read :

Whereas, The late outbreak at Harper's Ferry has brought to light facts tending prove that there was a conspiracy of evil disposed persons in some of the States of this Union to expel by force of arms slaves from the territory of Kansas, and to resist in the same manner the ingress of slaves into that Territory and that arms were purchased and perhaps manufactured by said conspirators for said purpose, and it being a known fact that slave owners in said Territory were murdered, and their property purloined and carried away by the said conspirators or their employees, and whereas the public safety requires that the laws should be enforced against such offenders and that the guilty should be exemplarily punished. Be it therefore,

Resolved, By the General Assembly of Georgia that the President of the United States be requested to cause a strict investigation to be made into the matters referred to above and to cause all persons engaged in such murders and conspiracy either as principals accessories or accomplices to be prosecuted in a manner to ensure their conviction, and punishment if guilty, and that a copy of this resolution be forwarded to the Chief Executive of the United States.

Also, the following resolution which was read :

Resolved, That the institution of slavery as it exists at the South is an institution founded in the laws of nature and of God, that the right of civilized man always to freedom and his right to purchase bonds men and bonds maids from the Heathen to transmit them as an inheritance to his posterity, and to hold them forever as property, are rights and

principles as broad in extent as the human race and will continue to exist so long as there is civilized man to purchase or heathen to be purchased, that slavery is therefore not a local institution established by local legislation, but rests upon the broad basis of the laws of nature, of God and of nations and is an inherent right that civilized man carries with him into whatever locality he may choose to abide.

Resolved, That under this idea our Government was commenced, under this idea our fathers fought through the revolution and achieved their independence, and that this idea was transmitted to their posterity unalterably in the Constitution of the country for an age after the establishment of our Government, and that abolition, therefore, (and not slavery) is a local idea established by local legislation and unheard of until the propagandist and illuminatti of New England, hatched it in the hot bed of fanaticism and false philanthropy.

Resolved, That the right to hold slaves being an inherent and vested right in the citizen of the United States, every law whether State, Federal, or Territorial which abridges or contravenes this right is in conflict with the laws of nature and of God; and violates the Constitution of the United States, that the Legislature of any State or Territory that fails to give to this property the same protection that it does to other personal property is guilty of partial legislation and violates its Constitutional obligations, that allegiance and protection being reciprocal and indivisible the citizen of the United States has the right to ask his Government for protection and the Government is bound to protect him in the full enjoyment of his property, whether in the Territories of the United States or of the individual States or in any foreign country.

Resolved, That in the opinion of this Legislature the presence of the black race in connection with the white race as found on this Continent, is one of the most fortunate conjunctures that has ever happened in human affairs, and that the destruction of it would be productive of calamity to the white race the black race and the civilized world, the extent of which is beyond the computation of human calculation and the wider it is extended, the greater the blessings to both races and the civilized world.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to repeal the 4th and 7th sections of the first article of the Constitution of the State of Georgia, and to add an additional section, and for other purposes.

Mr. Billups moved to amend the report by striking out the word "fourth" in the caption and in the first section of said bill and by inserting in lieu thereof the word "third"

Which was agreed to.

Mr. Oliver, moved further to amend the report by striking out the words "into one hundred and one Representatives District" and by inserting in lieu thereof the words "and each county of the State shall constitute one Representative District.

Mr. Billups moved to amend the same by adding the following proviso thereto, to-wit:

Provided, The number of counties of this State shall not exceed one hundred and forty, and all counties created or laid off above the number of one hundred and forty; shall be added to some adjacent county and with it constitute one Representative District.

Mr. Atkinson raised a point of order upon the right of the Senate to entertain the bill under consideration at this session.

The President decided that the Senate could entertain the bill at the present session,

From which decision Mr. Atkinson appealed and upon the question "shall the decision of the President stand as the judgment of the Senate."

Mr. Spaulding required the yeas and nays which being recorded,

Were yeas 102, nays 12.

Those who voted in the affirmative are Messrs:

Alexander, Allred, Barrow, Bartlett, Batts, Billups, Boggs, Bond, Briscoe, Brown, Burnett, Byers, Cannon, Carter of Elbert, Chester, Cloud, Collier, Cook, Cone, Delapierre, Donaldson, Evans, Flewellen, Fulton, Gartrell, Green, Grice, Griffin of Brooks, Griffin of Twiggs, Hall, Hart, Harris of Dougherty, Head, Hightower, Hill of Troup, Hill of Wilkes, Hines, Hitchcock, Holt, Hood, Hutchins, Hyde, Ivey, Jamison, Johnson of Cass, Jones, Lamar, Lawton, Lenoir, Lockhart, Maddox, Mathews, Merrill, McGehee, McRae, Miller, Moore of Laurens, Moore of Whitfield, Morris, Oliver, Paine, Poole, Pruitt, Quillian, Reid of Morgan, Reid of Taliaferro, Riley, Ritch, Robinson, Roberts, Rushin, Sawyer, Seward, Shelton, Shellnut, Sheppard, Sirman, Smith of Hancock, Smith of Talbot, Snell, Stowers, Sturges, Summerour, Tarter, Tatum, Tillman, Turner, Tracy, Usry, Walker, Wallace, Ward, Ware, Wellborn, Wells, White, Whitehurst, Williams of Berrien, Williams of Rabun, Williams of Terrell, Wynne, Young.

Those who voted in the negative are Messrs:

Atkinson, Barclay, Carter of Echols, Cooper, Cowen, Denham, Harris of Worth, Jordan, McDuffie, Spalding, Whitworth, Wilson.

So the decision of the President was ordered to stand as the judgment of the Senate.

Mr. Holt, moved to refer the report with the amendments offered thereto to a select committee of one from each Judicial District, with instructions to prepare and report a bill for the call of a convention at an early day to revise the Constitution of this State, and especially to provide for the reduction of members of the General Assembly, which was lost.

The question recurring upon the amendment offered by Mr. Billings, the same was lost.

The amendment offered by Mr. Oliver, was then agreed to.

Mr. Cannon, moved further to amend the report by striking out all after the word "Senatorial District" and before the words "the said Senators" and by inserting in lieu thereof the words "each district shall consist of four counties and be entitled to one Senator."

Mr. Harris of Dougherty, moved to amend the same by striking out the word "four" and inserting in lieu thereof the word "three"

Which was agreed to.

Mr. Cone, moved further to amend the same by inserting in said amendment between the word "three" and the word "county" the word "contiguous," which was agreed to.

Mr. Hill of Troup, moved to postpone the further consideration of the report and the amendments offered thereto for the present, and that the same be made the special order of the day for Thursday next ;

Which was agreed to.

Leave of absence was granted to Mr. Johnson of Clayton and Mr. Walker, for a few days on special business.

The following message was received from the House of Representatives, by Mr. Diamond their Clerk.

Mr. President :—I am directed by the House of Representatives to inform the Senate, that they have concurred in the following resolutions of the Senate, to-wit :

A resolution appointing a committee to join a committee on the part of the Senate, to make arrangements for divine service in the Representative Hall on Thanksgiving day ; the Speaker appointed as such committee, Messrs. McComb, Lewis of Hancock, Lester, Smith of Towns and McWhorter.

The committee on the judiciary made the following report,

The committee on the Judiciary have had under consideration ;

A bill to be entitled an act to alter and amend the several acts relating to the probate of wills, and beg leave to report the same back to the Senate, with amendments and recommend that it pass.

Also, a bill to be entitled an act to authorize the arrest and rendition of persons committing offences against the criminal laws of any of the adjoining States and who may take refuge within the limits of this State &c., and report the same back to the Senate and recommend that it do not pass.

Also, a resolution relating to the protection of fruit growers from depredations, which they report back to the Senate and ask to be discharged from its further consideration, and suggest that it be referred to the committee on Agriculture.

Also, a bill to be entitled an act to add an additional section to an act, to amend and explain the twenty-ninth section of the Judiciary laws of this State, approved 7th Dec., 1812, and report the same back to the Senate with the recommendation that it do not pass.

Also a bill to be entitled an act to amend an act, approved March 5th, 1856, entitled an act to authorize persons to submit controversies to arbitration, and report the same back to the Senate and recommend its passage.

Also, a bill to be entitled an act to define the duties of Sheriffs, and report the same back to the Senate and recommend its passage.

The hour of adjournment having arrived the President adjourned the Senate until to-morrow morning 9 o'clock.

WEDNESDAY, NOVEMBER 16th, 1859.

Senate met according to adjournment.

Mr. Miller moved to reconsider so much of the Journals of yesterday as relates to the vote, by which the amendment of Mr. Oliver to a bill to be entitled an act to repeal the 3d and 7th section of the first Article of the Constitution of the State of Georgia, and to add an additional section, and for other purposes, was adopted.

Which was agreed to.

Mr. Holt from the Select committee in relation to peddlars and itinerant traders made a report, and introduced a bill as follows:

A bill to be entitled an act to repeal all laws under, and by, virtue of which, peddlars and itinerant traders have been permitted to pursue their occupations in this State, and to

provide and impose penalties upon each and every person who may after this act is provided to take effect, be detected the violation of the provisions thereof, and for other purposes therein specified.

Which was read the first time.

Mr. Fulton, Chairman of the committee on public education and Free Schools, made the following report:

The Committee on Public Education and Free Schools have had under consideration the bill referred to them, to be entitled an act, to abolish the *Senatus Academicus*, to give its powers to the Board of Trustees of the University of Georgia, and vest the Government of the University in said Board of Trustees and recommend that the same do pass.

A memorial, of E. M. Johnson, Ordinary of Hall county in relation to the Senator elect from the county of Hall was read, and on motion the same was laid on the table for the balance of the session.

Mr. King, Chairman of the committee on Internal Improvements, made the following report:

The committee on Internal Improvement have had under consideration the bill referred to them, to be entitled an act to incorporate the Cane Creek Hydraulic Hose Mining Company, and recommend that the same do pass.

Also, a bill to be entitled an act to authorize the consolidation of the stock of the Milledgeville and Gordon Railroad company with the stock of the Central Railroad and Banking company of Georgia, and also, to authorize the consolidation of the stock of the Eatonton Branch Railroad with the stock of the Central Railroad and Banking company of Ga., and also, to authorize and increase of the capital stock of the said, the Central Railroad and Banking company of Georgia, and for other purposes, and report the same back without recommendation.

Mr. Harris of Dougherty moved to suspend the rules for the purpose of reading a bill of the House of Representatives the third time,

Which was agreed to.

The Senate took up as a report of the committee of the whole,

A bill to be entitled an act to authorize the State Treasurer to make certain advances.

Mr. Briscoe moved to amend the report by adding the following section, which was adopted.

Be it further enacted, That the sum of four thousand dollars be, and the same is hereby appropriated as a part of the Printing fund for the year 1859, and the Treasurer be, and he is hereby authorized to pay the same to Bouchon Nes-

bit & Barnes, the State Printer, upon the warrant of his Excellency the Governor.

The report as amended was agreed to. The Bill was read the third time and passed.

On motion of Mr. Harris of Dougherty, the Secretary was directed to transmit said bill forthwith to the House of Representatives.

On motion of Mr. Paine the rules were further suspended and the following resolution was taken up, read and agreed to.

Resolved, That the President appoint a committee of five to join such committee as may be appointed by the House of Representatives to examine and report upon the several returns of the Census takers during the present year.

The President appointed as said committee, Messrs. Paine, Seward, Briscoe, Reid, of Morgan and Ward.

Mr. Merrill moved further to suspend the rules for the purpose of introducing a bill, which was agreed to.

Mr. Merrill introduced,

A bill to be entitled an act to provide a mode by which Ordinaries may compel the more speedy distribution and settlements of estates in the hands of Executors Administrators and Guardians.

Which was read the first time.

Mr. Merrill moved that one hundred and fifty copies of said bill be printed for the use of the Senate, which was agreed to.

Mr. Hyde offered the following resolution which was taken up, read and agreed to.

Resolved, That the Senator from Hall be added to the committee on the Military.

Mr. Wallace moved further to suspend the rules for the purpose of introducing a bill, which was agreed to.

Mr. Wallace introduced,

A bill to be entitled an act to repeal the eighth section of the divorce laws of this State, assented to Dec. 5th, 1806, and for other purposes therein mentioned.

Which was read the first time.

Mr. Head introduced,

A bill to be entitled an act for the distribution of the estate of Coleman S. Pringle, late of Pike county deceased, and for the relief of the Executors to the last will of said testator.

Which was read the first time.

Mr. Roberts introduced,

A bill to be entitled an act to lay out and organize a new county from Decatur county.

Which was read the first time.

The following Message was received from the House of Representatives, by Mr. Diamond their Clerk.

Mr. President:—I am directed by the House of Representatives to inform the Senate that they have passed the following bills, to wit:

A bill, to revive, alter and amend an act entitled an act to appoint Trustees for the Jackson county Academy and to incorporate the same, assented to 20th November, 1818, and for other purposes therein expressed.

Also, a bill to relieve certain persons in McIntosh county from jury duty.

Also, a bill for the relief of the estate of Robert Bradford deceased, and Samuel Moffatt and Robert H. Bradford, Executors of the same.

Also, a bill to regulate the practice of the Superior Courts of this State in certain cases and for other purposes.

Also, a bill to add an additional section to the 1st division of the Penal Code of this State.

Also, a bill to prohibit the post mortem manumission of slaves.

Also, a bill to empower Ex-Judges of the Superior courts to sign bills of exceptions in certain cases.

Also, a bill to repeal an act entitled an act to regulate Tavern licenses in this State, approved December 15th, 1809, so far as the same relates to the county of Wilcox.

Also, a bill to incorporate Herman Lodge, No. 189, of Free and accepted Masons, and for other purposes therein mentioned.

Also, a bill to incorporate an insurance company in the city of Columbus, to be called the Georgia Home Insurance company.

Also, a bill to incorporate the town of Dawsonville in the county of Dawson in this State, and for other purposes.

Also, a bill to allow additional compensation to the Sheriffs of Hall, Cass and Dade counties.

Also, a bill to change the name of the Montrose Manufacturing company of Sparta, Mancock county to that of Montour Manufacturing company, and for other purposes.

Also, a bill to add an additional section to the act incorporating the town of Dahlonega, in the county of Lumpkin.

The following message was received from the House of Representatives by Mr. Diamond, their Clerk.

Mr. President: I am directed by the House of Representatives to inform the Senate, that they have concurred in an amendment of the Senate to a bill of the House to authorize the State Treasurer to make certain advances,

Mr. Harris of Dougherty, from the Committee on enroll-

ment reports as duly enrolled, signed by the Speaker of the House of Representatives and ready for the signature of the President of the Senate,

A bill to authorize the State Treasurer to make certain make certain advances.

Leave of absence was granted to the committee on the Asylum for the Blind for Friday, and Saturday next, to enable them to visit said Institution, for the purpose of making a report.

The Senate took up, as the report of the Committee of the Whole,

A bill to be entitled an act for the pardon of William A. Choice, now under sentence of death for the crime of murder.

The report was agreed to, the bill was read the third time and upon the question shall this bill now pass? Mr. Collier, required the yeas and nays.

Mr. Cone moved to suspend the rules, and when the Senate adjourn to meet again this day at 3 o'clock, P. M.

Which was agreed to.

The hour having arrived for the Senate to adjourn the President adjourned the Senate until 3 o'clock P. M.

THREE O'CLOCK, P. M.

Senate met according to adjournment.

The Senate resumed the unfinished business of the morning, which was a bill for the pardon of William A. Choice, now under sentence of death for the crime of murder, and on the question shall this bill now pass, Mr. Oliver raised a point of order upon the right of a Senator to read an authenticated paper, not in the testimony printed by order of the Senate.

The President decided that it was not out of order for a Senator to read such a paper.

From which decision Mr. Oliver appealed; and the decision of the President was ordered to stand as the judgment of the Senate.

Pending the consideration of the unfinished business of the morning,

On motion of Mr. Holt the Senate adjourned until 9 o'clock to-morrow morning.

THURSDAY MORNING, NOVEMBER 17TH, 1859.

Senate met according to adjournment.

Leave of absence was granted to Messrs. Williams, of Terrell, Turner, Hill, of Troup, Ward, Alexander, Wellborn, Reid, of Talliaferro, and Cooper, for a few days, on special business.

Senate resumed the unfinished business of yesterday, which was:

A bill, for the pardon of William A. Choice, now under sentence of death, for the crime of murder, and the question, "Shall this bill now pass?"

Mr. Harris, of Worth, called the previous question, which being seconded, the main question was ordered to be put.

The main question was put, which was, "shall this bill now pass?"

And the yeas and nays being recorded, were, yeas, 54, nays 53.

Those who voted in the affirmative, are Messrs.

Atkinson, Barclay, Barrow, Bartlett, Batts, Billups, Boggs, Briscoe, Brown, Burnett, Cannon, Carter, of Elbert, Chester, Cook, Crittenden, Davis, Flewellen, Grice, Griffin, of Brooks, Harris, of Dougherty, Harris, of Worth, Harvin, Head, Hill, of Sumter, Hines, Holt, Johnson, of Clayton, Johnson, of Cass, Lamar, Lawton, Lockhart, Lett, McDuffie, McRae, Miller, Moore, of Laurens, Raine, Poole, Printup, Pruitt, Rushin, Seward, Sirman, Smith, of Hancock, Stowers, Summerour, Sweat, Tarver, Usry, Ware, Wellborn, Wells, Williams, of Berrien, Williams, of Terrell.

Those who voted in the negative, are Messrs.

Alexander, Allred, Bond, Carter, of Echols, Cloud, Collier, Cooper, Cone, Cowen, Denham, Donaldson, Gartrell, Glover, Green, Griffin, of Twiggs, Hall, Hart, Hightower, Hill, of Wilkes, Hitchcock, Hood, Hutchins, Hyde, Ivey, Jamison, Jones, Jordon, Lenoir, Merrill, McGehee, Moore, of Whitfield, Morris, Oliver, Quillian, Rich, Robinson, Roberts, Sawyer, Shellnut, Sheppard, Smith, of Talbot, Snell, Sturges, Tatum, Tillman, Wallace, White, Whitworth, Williams, of Rabun, Wilson, Wynne, Young.

So the bill was passed.

Mr. Billups moved, that the bill to be entitled an act to repeal the third and seventh sections of the first article of the Constitution of the State of Georgia, and to add an additional section, and for other purposes, which was made the special order for this day, be postponed until Tuesday next, which was agreed to.

Mr. Lawton moved, that the amendments offered to said bill, be printed for the use of the Senate, which was agreed to.

Leave of absence was granted to Messrs. Gartrell and Brown, for a few days, on special business.

On motion of Mr. Ward, the rules were suspended for the purpose of introducing bills.

Mr. Ward introduced,

A bill, to be entitled an act to legalize the purchase of a tract of land, made by Mrs. Clementina J. Billingslea, Administratrix of James F. Billingslea, deceased, of the county of Greene, which was read the first time.

Mr. Holt introduced,

A bill, to be entitled an act to regulate the admission of evidence, in the several Courts of Law and Equity, and before arbitrators, in this State.

Which was read the first time.

Also a bill, to be entitled an act to incorporate the First Presbyterian Church, in the city of Columbus, and the St. Luke Methodist Episcopal Church, south, of the city of Columbus, and the St. Paul Methodist Episcopal Church, south, of the city of Columbus.

Which was read the first time.

On motion of Mr. Seward, the rules were suspended.

The Senate took up, as the report of the Committee of the Whole,

A bill, to be entitled an act to remove the county site of Lowndes county, and to change the line between said county and the county of Brooks, and for other purposes.

The report was agreed to, the bill was read the third time and passed.

Mr. Atkinson introduced,

A bill, to be entitled an act to repeal so much of an act, approved March 6, 1856, in relation to the destruction of Deeds, by fire, in so far as relates to cases pending at the time of the passage of the act.

Which was read the first time.

Mr. Barclay introduced,

A bill, to be entitled an act to change the line between the counties of Union and Fannin.

Which was read the first time.

Also a bill, to be entitled an act, to provide for the payment of the Attorney and Solicitors General, and to dispose of monies raised by fines and forfeitures.

Which was read the first time.

Mr. Boggs introduced,

A bill, to be entitled an act for the establishment by law, of the Mounted Police, of the Fifteenth District, G. M., of Liberty county.

Which was read the first time.

Mr. Carter, of Echols introduced,

A bill, to be entitled an act to repeal the second section of an act entitled an act to provide for the education of the children of this State, between certain ages, and to provide an annual sinking fund, for the extinguishment of the public debt, so far as the county of Echols is concerned, and for other purposes.

Which was read the first time.

Mr. Chester introduced,

A bill to be entitled an act to amend an act entitled an act to enable defendants at common law, to give in evidence a partial failure of consideration of contracts, approved, December 26, 1836.

Which was read the first time.

Also a bill, to be entitled an act act to facilitate the collection of fi fas.

Which was read the first time.

Mr. Miller offered the following resolution, which was taken up, read and agreed to :

Resolved, that the Secretary of the Senate, be authorized to furnish a Clerk to the Judiciary Committee.

Mr. Collier introduced,

A bill, to be entitled an act to incorporate a Bank, in the city of Atlanta, to be called the "Rail Road City Bank," and for other purposes.

Which was read the first time.

Mr. Cook introduced,

A bill, to be entitled an act to change the county lines between the counties of Dooly and Macon.

Which was read the first time.

Mr. Johnson, of Clayton moved that the rules be suspended, and that when the Senate adjourn, it meet again this day, at 3 o'clock, P. M., which was agreed to.

Leave of absence was granted to Mr. Collier, for a few days, on special business.

The following message was received from the House of Representatives, by Mr. Diamond, their Clerk.

Mr. President : I am directed by the House of Representatives, to inform the Senate, that they have passed the following bills, to wit :

A bill, to incorporate the town of Thompson, in the county of Columbia, &c.

Also a bill, to amend an act entitled an act to incorporate the Yahoola and Cane Creek Hydraulic and Hose Mining Company, assented to, 11th December, 1858.

Also a bill, to amend an act entitled an act for the bet-

ter regulating fences, in the Province of Georgia, approved, 17th March, 1859.

Also a bill, to abolish the public execution of criminals, condemned to death by the laws of Georgia, upon certain conditions therein mentioned, and to provide for their execution in private.

Also a bill to incorporate the Etowah and Auraria Hydraulic and Hose Mining Company.

Also a bill to incorporate the town of Bowden, in the county of Carroll, and for other purposes therein mentioned.

The hour of adjournment having arrived, the President adjourned the Senate, until 3 o'clock, P. M.

3 O'CLOCK, P. M.

Senate met according to adjournment.

On motion of Mr. Harris, of Worth, the rules were suspended, and the following bill was taken up, and referred to the committee on new counties, and county lines, to wit:

A bill, to be entitled an act to authorize the Governor to appoint some fit and proper person to run out the line between the 7th District of Baker, and 3rd District of Calhoun county.

Mr. Fulton moved, that Mr. Harvin be added to the committee on new counties and county lines, which was agreed to.

Mr. Brown introduced,

A bill, to be entitled an act the better to secure and protect the rights of married women, and for other purposes.

Which was read the first time.

Mr. Johnson, of Clayton, introduced,

A bill, to be entitled an act to lay out and organize a new county from the counties of Carroll and Campbell,

Which was read the first time.

Mr. Jones introduced,

A bill, to be entitled an act to change the county line between the counties of Newton and Walton.

Which was read the first time.

Mr. Maddox introduced,

A bill, to be entitled an act to change the line of the counties of Wayne and Charlton, and for other purposes.

Which was read the first time.

Mr. Jordan introduced,

A bill to be entitled an act to increase the salary of the Superintendent of the Western and Atlantic Railroad.

Which was read the first time.

Also a bill, to be entitled an act to declare the meaning

and intention of an act amendatory of an act to exempt from levy and sale, under execution certain property therein mentioned, assented to 22d December, 1857.

Which was read the first time.

Also a bill, to be entitled an act to require two concurrent opinions of at least two of the Judges of the Supreme Court of this State, to make a decision in said Court.

Which was read the first time.

Mr. Hitchcock introduced,

A bill, to be entitled an act to change the line between the counties of Elbert and Madison, and for other purposes.

Which was read the first time.

Mr. Hill, of Sumter, introduced,

A bill, to be entitled an act to incorporate Furlow Female College, in the city of Americus, and to incorporate Trustees for the same.

Which was read the first time.

Mr. Hall introduced,

A bill, to be entitled an act to repeal an act in relation to new promises, assented to February 20, 1854.

Which was read the first time.

Mr. Griffin, of Twiggs, introduced,

A bill, to be entitled an act for the relief of Luke Padgett, his heirs and Representatives.

Which was read the first time.

Mr. Byars introduced,

A bill to be entitled an act to authorize the Ordinary of Butts county to pay Matthew J. Gibson, a Teacher of poor children, a sum of money herein named.

Which was read the first time.

Mr. Greene introduced,

A bill, to be entitled an act to authorize the Inferior Court of the county of Haralson, to levy an extra tax.

Which was read the first time.

Mr. Carter, of Elbert, introduced,

A bill, to be entitled an act to regulate the sale and use of spirituous liquors, and intoxicating drink, within the corporate limits of the town of Elberton.

Which was read the first time.

Mr. Johnson, of Clayton, introduced,

A bill, to be entitled an act to change the lines between the counties of Henry and Clayton, also between the counties of Fayette and Clayton, so as to include certain residences in the county of Clayton.

Which was read the first time.

Mr. Miller introduced.

A bill, to be entitled an act to pardon John Fundy, of the county of Gwinnette, under sentence of death.

Which was read the first time.

Also a bill, to be entitled an act to alter and amend the laws now existing, in reference to the Supreme Court.

Which was read the first time.

Also a bill, to be entitled an act to alter the 1st section of the 3d article of the Constitution.

Which was read the first time,

Also a bill, to be entitled an act to authorize a testator to make an inventory, &c.

Which was read the first time.

Mr. Moore, of Laurens introduced,

A bill, to be entitled an act to organize a new Judicial Circuit, to be called the Oconee Circuit.

Which was read the first time.

Mr. Moore, of Whitfield, introduced,

A bill, to be entitled an act to authorize the Ordinary of Whitfield county, to pay Teachers of poor children, for the year 1859.

Which was read the first time.

Mr. Harris, of Worth, introduced,

A bill, to be entitled an act to change the line between the counties of Worth and Colquitt.

Which was read the first time.

Mr. Oliver introduced,

A bill, to be entitled an act to change and fix the time of holding the Superior Courts, in the counties of Heard, Carroll, Haralson and Polk, and also to change the time of holding the Inferior Courts in the county of Heard.

Which was read the first time.

Mr. Paine introduced,

A bill, to be entitled an act to authorize James Boyd, late Tax Collector, of Telfair county, to make titles to land sold by him as Tax Collector.

Which was read the first time.

Also a bill, to be entitled an act to amend an act to exempt from sale, for debts contracted after a given time, certain additional articles, for the subsistence of the debtor's family, approved December 23d, 1822, and the several acts amendatory thereof.

Which was read the first time.

Mr. Poole introduced,

A bill, to be entitled an act to require, in all cases, the names of secret prosecutors, to be endorsed upon bills of indictment, and presentments of Grand Juries.

Which was read the first time.

Mr. Pruitt introduced,

A bill, to be entitled an act to alter and amend the seventh section of an act entitled an act to amend the several Judiciary acts now in force in this State, so far as relates to Justices Courts, approved December 14th, 1811.

Which was read the first time.

Mr. Riley introduced,

A bill to be entitled an act to incorporate the Chestatee River and Town Creek Hydraulic Hose Mining Company.

Which was read the first time.

Also a bill, to be entitled an act to authorize the Justices of the Inferior Court, of Lumpkin county, to levy a direct tax, to repair the Court House, and for other purposes.

Which was read the first time.

Mr. Robison introduced,

A bill to be entitled an act to compensate the Grand Jurors of the county of Early and for other purposes.

Which was read the first time.

Also a bill, to be entitled an act for the purpose of attaching a strip of unsurveyed land, lying between the fourth and sixth Districts, of originally Early county, to the county of Early, and for other purposes therein contained.

Which was read the first time.

Mr. Shellnut introduced,

A bill, to be entitled an act to change the time of holding the Inferior Court, in the county of Gordon.

Which was read the first time.

Mr. Sheppard introduced,

A bill, to be entitled an act to add an additional section to an act to appoint the persons therein named, Commissioners of the town of Preston, &c., assented to 22nd December, 1857.

Which was read the first time.

Mr. Smith, of Hancock, introduced,

A bill to be entitled an act to amend the Road Laws of Hancock county.

Which was read the first time.

Mr. Snell introduced,

A bill to be entitled an act to alter and amend the Tax Laws of this State.

Which was read the first time.

Mr. Tillman introduced,

A bill to be entitled an act to incorporate the town of Moultrie, in the county of Colquitt, and for other purposes.

Which was read the first time.

Mr. Wallace introduced,

A bill, to be entitled an act to allow the Ordinary of Talbot county, to pay William G. Booth, for teaching certain poor children, in the county of Talbot, in the years 1856 and 1857.

Which was read the first time.

Mr. Williams, of Berrien, introduced,

A bill, to be entitled an act to authorize the Inferior Courts of this State, to fix the tax on all public shows, exhibitions, &c.

Which was read the first time.

Mr. DeLapierre introduced,

A bill, to be entitled an act to re-organize the Militia laws of this State, and to authorize the Governor to call a Convention of the commanding Generals and Colonels, of this State.

Which was read the first time.

Mr. McGehee offered a memorial of certain citizens of Houston county, in relation to the efficient organization of the Military of the State, and to establish within the State, one or more manufactories for the construction of Military arms.

On motion, the same was referred to the committee on the Military.

Mr. Paine, from the special committee, to whom was referred the bill, to be entitled an act to give to the Inferior Court of Telfair county, power to appoint some fit and proper person to receive and receipt for the amount of money said county may be entitled to, under the act to provide for the education of the children of this State, &c., assented to December 11th, 1858, when the Ordinary refuses or neglects to give bond, in terms of the law, report, that they have had the same under consideration, and beg leave to report a general bill, as a substitute for the bill referred.

Mr. Johnson, of Clayton, Chairman of the committee on new counties, and county lines, made the following report:

The committee on new counties and county lines, have had under consideration, the bill referred to them, to be entitled an act to change the line between the counties of Floyd and Polk, report the same back to the Senate, and recommend that the same do pass.

Also a bill, to be entitled an act to alter and change the line between the counties of Madison and Jackson, and recommend that the same do pass.

Also a bill, to be entitled an act to change the line between the counties of Habersham and White, and recommend that the same do pass.

Also a bill, to be entitled an act authorizing the Governor to appoint some fit and proper person, to run out the line between the seventh District of Baker, and the third District of Calhoun county, and recommends that the same do pass.

Mr. McGehee, Chairman of the committee on the state of the Republic, made the following report:

The committee on the state of the Republic, recommend the adoption of the following resolution:

Resolved By the General Assembly, that His Excellency

the Governor be authorized and requested to purchase a sufficient number of fire arms, of the latest, and most approved style, for the perfect equipment of all the Volunteer Companies within the State, now formed, or that may be organized within the next twelve months.

The committee have also considered a resolution relating to pensioning the officers and soldiers of the war of 1812, by Congress, and believing it would be more properly referred to the committee on the Military, ask to be excused from its further consideration,

E. J. McGEHEE, *Chairman.*

On motion of Mr. McGehee, the resolutions offered by Mr. McGehee, Chairman of the committee on the state of the Republic, was taken up, read and agreed to.

On motion of Mr. Barclay, the resolution reported back to the Senate, by the committee on the state of the Republic, was referred to the committee on the Military.

The Senate took up the following bills, which were severally read the second time, and referred to the committee on the Judiciary.

A bill, to be entitled an act to provide a mode by which Ordinaries may compel the more speedy distribution and settlement of estates in the hands of Executors, Administrators and Guardians.

Also, a bill, to be entitled an act to repeal the eighth section of the divorce laws of this State, assented to December 5th, 1806, and for other purposes therein mentioned.

Also a bill, to be entitled an act to repeal all laws, under, and by the authority of which, peddlers, and itinerant traders have been permitted to pursue their occupations, in this State, and to provide and impose penalties upon each and every person, who may, after this act is provided to take effect, be detected in the violation of the provisions thereof, and for other purposes therein specified.

The Senate took the following bill, which was read the second time, and referred to the committee on new counties and county lines.

A bill, to be entitled an act to lay out and organize a new county from Decatur county.

The Senate took up the following bill, which was read, the second time, and referred to the Committee of the Whole.

A bill, to be entitled an act for the distribution of the estate of Coleman S. Pringle, late of Pike county, deceased, and for the relief of the Executors of the last will of said testator.

Mr. Tracy moved to suspend the rules, for the purpose of introducing a bill, which was agreed to.

Mr. Tracy introduced,

A bill, to be entitled an act, to incorporate the House of Israel, in the city of Macon.

Which was read the first time.

Also a bill, to be entitled an act for the relief of Susan L. B. Godwin, of Bibb county.

Which was read the first time.

On motion of Mr. Tracy, the Senate adjourned until 9 o'clock, to-morrow morning.

FRIDAY, NOVEMBER 18TH, 1859.

The Senate met according to adjournment.

Leave of absence was granted Messrs. Smith of Talbot and White for a few days on special business.

On motion of Mr. Miller, the rules were suspended, and two hundred copies of the resolution previously offered by Mr. Atkinson in relation to slavery were ordered to be printed for the use of the Senate.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act for the pardon of Francis I. Smith, of Campbell county, now under sentence of death for the crime of murder.

The report was agreed to, the bill was read the third time and passed.

On motion of Mr. Holt the Secretary was directed to transmit said bill forthwith to the House of Representatives, which was agreed to.

Mr. Billups, Chairman of the Committee on Agriculture made the following report :

The committee on Agriculture, to whom was referred a bill to be entitled an act to regulate the freight on lime for Agricultural purposes, when transported on the Western and Atlantic Rail Road, have had the same under consideration, and report the bill back to the Senate with amendment, and recommend that the same do pass.

On motion of Mr. Billups, the Senate took up as the report of the committee of the whole,

A bill to be entitled an act to regulate the freight on lime for agricultural purposes when transported on the Western and Atlantic Rail Road.

The report was agreed to, the bill was read the third time and passed.

The following Message was received from the House of Representatives by Mr. Diamond, their Clerk :

Mr. President : The House of Representatives have passed the following bills :

A bill to reduce the rates of freight on lime, salt, guano, &c., passing over the Western and Atlantic Rail Road, where the same are to be used exclusively for agricultural purposes.

Also, a bill to attach lots of land No.'s fifty-four and fifty-five, in the second District of Randolph county to the county of Clay.

Also, a bill to incorporate the Eatonton and Madison Rail Road.

Also, a bill to incorporate the Floyd Cavalry Company, &c.

Also, a bill to incorporate Georgetown, of Quitman county. Also, to define the boundary of said incorporation, and to appoint the persons therein named Commissioners of said town, and to confer certain powers upon said Commissioners and their successors in office.

Also, a bill to authorize Samuel Irvin, of the county of Clayton, to practice medicine.

Also, a bill for the relief of Reuben Cloud, of Decatur county.

Also, a bill to regulate the fees of Jurors in Justices Courts in the counties of Catoosa and Dade.

Also, a bill to amend the road laws of this State, so far as relates to the county of Coffee.

Also, a bill for the relief of J. E. McMullen, of Decatur county.

Also, a bill to change the lines between Appling and Coffee.

Also, a bill to change the times of holding the election of county officers in this State.

Also, a bill to authorize the administrators of William J. Anderson, deceased, and of Thomas Favor, deceased, to sell the real estate belonging to said estate, and for other purposes.

Also, a bill to alter and amend the roads laws of this State, so far as relates to the counties of Cherokee and Columbia.

Also, a bill for the relief of Mary Frances Nunor, of Bibb, and for other purposes.

Also, a bill to amend the law in relation to the foreclosure of Mortgages on real property, and the sale thereof, and to prescribe a form for all mortgages, and for other purposes therein named.

Also, a bill to protect the legacy left by the last will and testament of William D. Martin, deceased, for the benefit

of the society at Jefferson, Jackson county, of the Methodist Episcopal Church South, and for other purposes.

On motion of Mr. Lawton, the rules were suspended for the purpose of introducing a bill.

Mr. Lawton introduced a bill to be entitled an act to incorporate the Savannah Mutual Loan Association, which was read the first time,

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to add an additional section to an act entitled an act to amend and explain the 29th section of the judiciary laws of this State. Approved the 7th day of December, 1812.

The committee on the judiciary to whom said bill was referred reported adverse to its passage.

The report was agreed to, the bill was lost.

The Senate took up, as the report of the Committee of the Whole,

A bill to be entitled an act to define and enlarge the corporate privileges heretofore granted to the first Presbyterian Church of Augusta.

The report was agreed to, the bill was read the third time, and passed.

The Senate took up, as the report of the Committee of the Whole,

A bill to be entitled an act to authorize the arrest and rendition of persons committing offences against any of the criminal laws of any of the adjoining States to the State of Georgia, and who may take refuge within the limits of the State of Georgia upon certain conditions herein named.

The committee on the Judiciary to whom said bill was referred, reported adverse to its passage.

On agreeing to the report the yeas and nays were recorded, and were yeas 51, nays 43.

Those who voted in the affirmative are Messrs :

Atkinson, Batts, Boggs, Bond, Briscoe, Brown. Carter of Echols, Chester, Cook, Cowen, DeLapierre, Denham, Donaldson, Flewellen, Clover, Grice, Griffin of Brooks, Griffin of Twiggs, Hall, Hart, Harris of Worth, Harvin, Hightower, Hill of Wilkes, Hines, Hitchcock, Holt, Johnson of Cass, Jones, Lawton, Lenoir, Lockhart, Lott, Miller, Moore of Laurens, Oliver, Paine, Roberts, Rushin, Shelton, Shelnut, Sheppard, Sirman, Smith of Hancock, Smith of Talbot, Sturges, Sweat, Tarver, Wallace, Wells, Wynne.

Those who voted in the negative are Messrs.

Allred, Barclay, Billups, Burnett, Byars, Cannon, Carter of Elbert, Cloud, Cone, Crittenden, Davis, Evans, Fulton, Green, Harris of Dougherty, Head, Hutchins, Hyde, Ivey, Jamison, Johnson of Clayton, King, Kirby, Maddox, Merrill, McDuffie, McGehee, Moore of Whitfield, Morris, Poole, Pruitt, Quillian, Riley, Ritch, Robinson, Sawyer, Seward, Trippe, Whitehurst, Whitworth, Williams of Rabun, Wilson, Young.

So the report was agreed to and the bill was lost.

The Senate took up as the report of the committee of the Whole,

A bill to be entitled an act to confer other powers than those now granted, to the Augusta Orphan Asylum.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole,

A bill to be entitled an act to amend the several acts relative to the probate of wills granting letters testamentary, and of administration, and for other purposes therein specified.

The committee on Judiciary moved to amend the report by inserting in the second section of said bill after the words "parties at interest" the words "if they reside in the State of Georgia, and for ninety days if without said State, and for one hundred and eighty days if without the limits of the United States." And also by inserting in the fourth section of said bill after the word "minors" the words "lunatic idiot or persons *non compos mentis*."

Which was agreed to

Mr. Hall moved further to amend the report by adding the following words to the third section of said bill to-wit:

"But the executor or executrix, when so notified, to propound said will for proof as contemplated in this section, shall not be compelled to prove the same in solemn form, unless so required by some one, or all the parties in interest."

Which was agreed to.

Mr. Oliver moved further to amend the report by adding the following as an additional section to said bill, to-wit:

And be it further enacted, That the Ordinary be entitled to a fee of fifty cents each for every citation issued by him under the provisions of this act.

Which was lost.

Mr. Evans moved further to amend the report by inserting in the fifth section of said bill after the words "provis

ions of this act" the words "so far as said provisions relate to the probate of wills in solemn form.

Which was agreed to.

The report, as amended, was agreed to the bill was read the third time and passed.

Leave of absence was granted to Messrs. Wynne, Johnston, Wallace, Cloud, Batts, Hood, Tarver and Snell, for a few days, on special business.

Mr. Paine, from the committee on enrolment, reported as duly enrolled, and signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate,

An act to remove the county site of Lowndes county, and to change the line between said county and the county of Brooks, and for other purposes.

The hour of adjournment having arrived, the President adjourned the Senate until 9 o'clock to-morrow morning.

SATURDAY, NOVEMBER 19th, 1859.

The Senate met according to adjournment.

Mr. Fulton moved to reconsider so much of the Journal of yesterday as relates to a bill to be entitled an act to add an additional section to an act entitled an act to amend and explain the 29th section of the Judiciary laws of this State, approved the 7th day of December, 1812.

Which was agreed to.

Mr. Morris moved to reconsider so much of the Journal of yesterday as relates to a bill to be entitled an act to authorize the arrest and rendition of persons committing offences against the criminal laws of any of the adjoining States to the State of Georgia, and who may take refuge within the limits of the State of Georgia upon certain conditions herein named.

Which was agreed to.

Mr. Barrow offered the following resolution, which was taken up, read and agreed to.

Resolved, That the President of the Senate appoint a committee of three to prepare and report in conjunction with a like committee on the part of the House, a resolution expressive of the sense of the people of this State, upon the death of Hon. G. R. Gilmer, one of the Ex-Governors of this State.

Committee appointed on the part of the Senate, were Messrs. Barrow, Cone and Billups.

On motion of Mr. Holt, the Secretary was directed to transmit said resolution forthwith to the House of Representatives.

Mr. Bond introduced,

A bill to be entitled an act to make a party to a suit, who has no interest in the same, a competent witness on trial of the same, &c.

Which was read the first time.

Also a bill to be entitled an act, to alter and change the Common School laws, so far as relates to Walker county.

Which was read the first time.

Mr. Cook introduced,

A bill to be entitled an act for the relief of Davis Gamage, Shadrick Ware, William Winter and Henry M. Johnson, from their liability upon a certain penal bond.

Which was read the first time.

The following message was received from the House of Representatives, by Mr. Diamond their Clerk.

Mr. President:—The House of Representatives have passed the following bills:

A bill to add a part of Montgomery county to Laurens county.

Also, a bill for the relief of John W. Cardwell of the county Morgan, and Tomlinson Fort of the county of Baldwin, and for other purposes.

Mr. Printup, Chairman of the committee on Finance made the following report:

The committee on Finance have had under consideration the following bill:

A bill to be entitled an act to compensate the Grand and Petit Jurors of the county of Dougherty, and the amendment thereto, offered by the Honable Senator from Muscogee, to be entitled an act to authorize the Inferior court of the several counties of this State, to fix the compensation of Jurors in their respective counties, and to provide a fund for the payment thereof, and recommend that the amended bill be passed, instead of the original bill.

Also the bill to be entitled an act to point out and prescribe the manner of disposing of the nett profits of the Western and Atlantic Railroad, and after considering the same, would say, that it is the opinion of the committee that the bill being for the appropriation of money cannot

properly originate in the Senatorial branch of the Legislature, it being in violation of section 15th of the 1st Article of the Constitution of the State of Georgia, and report the same back to the committee of the whole.

All of which is respectfully submitted.

DANIEL S. PRINTUP,
Chairman.

Mr. Cowen introduced,

A bill to be entitled an act to alter, amend and construe an act to provide for the education of the children of this State, so far as the same relates to the county of Milton.

Which was read the first time.

Also, a bill to be entitled an act to provide for the relief of John A. Jones and Jackson Vaughn of the county of Milton.

Which was read the first time.

Also, a bill to be entitled an act to authorize John Boon of the county of Milton to practice medicine, and to charge and collect fees for the same.

Which was read the first time.

Mr. Crittenden introduced,

A bill to be entitled an act, to amend an act entitled an act, to lay out and form a new county from the counties of Marion and Sumter, and to organize the same, assented to December 22d, 1857.

Which was read the first time.

Mr. Denham introduced,

A bill to be entitled an act, to authorize Francis M. Harrel of the county of Fayette to practice Medicine, and charge, and collect for the same.

Which was read the first time.

Mr. Bartlett introduced,

A bill to be entitled an act to amend an act, approved February 19th, 1856, relating to the support of widows and orphans from the estate of their deceased husbands and parents, and for other purposes.

Which was read the first time.

Mr. Flewellen introduced,

A bill to be entitled an act to authorize the Thomaston and Barnesville Railroad company to construct and extend their Railroad to Geneva or some other point on the Road of the Muscogee Railroad company.

Which was read the first time.

Mr. Crittenden introduced,

A bill to be entitled an act to change the line of the county of Schley and for other purposes herein mentioned.

Which was read the first time.

The following message was received from the House of Representatives by Mr. Diamond, their Clerk.

Mr. President : I am directed by the House of Representatives, to inform the Senate that they have concurred in a resolution of the Senate, bringing on certain elections on the 19th inst., and I am directed to transmit the same forthwith to the Senate.

Mr. Hall introduced,

A bill to be entitled an act, to declare the true intent and meaning of the twentieth section of an act entitled an act to carry into effect the amended Constitution in reference to Ordinaries of said State, and for other purposes, assented to January 21st, 1852.

Which was read the first time.

Also, a bill to be entitled an act, to authorize certain persons therein mentioned to plead and practice law in the several courts of law and equity in this State on the terms therein mentioned.

Which was read the first time.

Mr. Harris of Worth, introduced,

A bill to be entitled an act to authorize and require the Ordinary of Worth county to pay the accounts of John Everett for teaching poor children in certain years.

Which was read the first time.

Mr. Head introduced,

A bill to be entitled an act to authorize the Ordinary of Pike county to pay certain money therein mentioned to certain teachers of poor children in said county.

Which was read the first time.

Mr. Holt, introduced,

A bill to be entitled an act to prevent delay in the trial of causes in the courts of this State in consequence of the death of parties, to authorize parties in certain circumstances to be made on motion, and for other purposes.

Which was read the first time.

Also, a bill to be entitled an act to amend and enlarge the consent rules in actions of ejectment, and in actions to recover lands.

Which was read the first time.

Mr. Jordan introduced,

A bill to be entitled an act to abolish the usury law now of force in this State, so far as relates to promises in writing when the rate of interest is expressed in written promises to pay &c.

Which was read the first time.

Also, a bill to be entitled an act to authorize James E. Lynn, of the county of Pulaski, to peddle on such goods and wares not prohibited by law in the limits of said county.

Which was read the first time.

Mr. Merrill introduced,

A bill to be entitled an act to define and specify what

fees the Sheriffs and deputy Sheriffs of this State shall hereafter be entitled in certain cases.

Which was read the first time.

Mr. Moore of Whitfield, introduced,

A bill to be entitled an act to amend an act entitled an act to incorporate the town of Dalton under the name of the city of Dalton, and for other purposes.

Which was read the first time.

Mr. Morris introduced,

A bill to be entitled an act to authorize parties in suits at law and in equity in the superior courts of this State to tax the costs of witnesses against the parties cost in such suits.

Which was read the first time.

Also, a bill to be entitlee an act to amend the claim laws of this State.

Which was read the first time.

Also, a bill to be entitled an act to repeal all laws relating to head rights, so far as they apply to Franklin county.

Which was read the first time.

Also, a bill to be entitled an act to amend an act to amend the rent laws of this State, approved December 24th, 1847, and also an act entitled an act to protect land owners in this State, and to provide a remedy for the same, approved February, 14th 1854.

Which was read the first time.

Mr. Ritch introduced,

A bill to be entitled an act to authorize Ordinaries of this State to act as Executors, Administrators and Guardians in certain cases.

Which was read the first time.

Mr. Quillian introduced,

A bill to be entitled an act to amend an act entitled an act to incorporate the Georgia White Path Gold and Copper company, approved February the 18th, 1856.

Which was read the first time.

On motion of Mr. McGehee, a memorial from the Washington National Monument Society, was read and referred to the committee on the state of the Republic.

The following message was received from His Excellency the Governor, by Mr. Waters his Secretary, to wit :

Mr. President:—The Governor has signed the Resolution bringing on the election this day at 12 o'clock, to elect two Commisssoners to Codify the laws of this State.

The following message was received from the House of Representatives, by Mr. Diamond, their Clerk.

Mr. President: The House of Representatives have passed the following bills of the Senate :

A bill to amend an act entitled an act to incorporate the Savannah, Griffin, and North Alabama Railroad Company. Assented to on the 11th day of February, 1854, and to repeal sections 7th, 8th, and 9th, of said act, and to substitute two additional sections in lieu thereof.

Also, a bill for the relief of Amy Clark, from certain disabilities therein mentioned.

Also, a bill to incorporate the town of Ellaville, in Schley county.

Also, a bill to legalize the holding of Carroll Superior Court, at its last term,, and to make valid the proceedings of said Court,

Also, a bill for the relief of the securities of George F Wing, former Tax Collector of McIntosh county.

They have also passed the following bill, with an amendment thereto.

A bill to repeal the seventh section of an act entitled an act to incorporate and grant certain privileges and powers to the Newnan Guards, in the town of Newnan, Coweta county, and for other purposes herein mentioned, and to repeal the fourth section of an act to regulate the compensation of Jurors in the county of Jefferson, and for other purposes therein named.

They have also passed a resolution authorizing the Governor to subscribe for certain copies of the Public Laws in Pamphlet form, of the present Session, &c.

They have also concurred in the following resolution of the Senate.

Resolved, That the President of the Senate appoint a Committee of three, to prepare and report, in conjunction with a like Committee on the part of the House, a Resolution expressive of the sense of the people of this State upon the deate of Hon. G. R. Gilmer, one of the Ex-Governors of this State.

They have appointed as a committee on their part, to join the committee appointed on the part of the Senate, to carry out the object of the above resolution, Messrs. Lofton, Tatum, Lewis of Greene, Hartridge and Rander.

Mr. McRea offered the following resolution, which was read.

Resolved, by the General Assembly of the State of Georgia, That our Senators and Representatives in Congress are hereby requested to use their influence for the re-establishment of the following mail routes, lately discontinued by the

to Dublin, the route from Little York to Boxville, the route from Boxville to Sugar Creek, and the route from Seward by Mr. Vernon to Battle Ground.

Mr. Johnson of Clayton, introduced,

A bill to be entitled an act to change and alter the lines between the counties of Henry and Clayton, and between the counties of Fayette and Clayton.

On the reading of which bill Mr. Denham raised a point of order.

The President decided that said bill not being accompanied by the writren application of citizens whose residence would be changed, the same was out of order.

Mr. Johnson of Clayton appealed from the decision of the chair, and upon the question shall the decision of the Chair, stand as the judgment of the Senate, the yeas and nays were recorded and were yeas 53, nays 28.

Those who voted in the affirmative are Messrs.

Alred, Atkinson Bartlett, Billups, Boggs, Burnett, Byars, Chester, Cook, Cone, Crittenden, Davis, Denham, Evans, Flewellen, Fulton, Glover, Green, Griffin of Brooks, Griffin of Twigg, Hall, Harris of Dougherty, Harvin, Head, Hightower, Hill of Wilkes, Hitchcock, Holt, Hutchins, Hyde, Jordan, King, Lenoir, Lockhart, Lott, Maddox, Merrill, McAlbee, McRea, Oliver, Poole, Riley, Ritch, Robinson, Rusain, Shelton, Sheppard, Smith of Hancock, Tatum, Tillman, White, Whitehurst, Williams of Rabun, Wilson.

Those who voted in the negative are Messrs :

Barclay, Cannon, Carter of Echols, Cowen, Donaldson, Grice, Hart, Harris of Worth, Ivey, Johnson of Clayton, Jones, Kirby, McDuffie, Moore of Laurens, Moore of Whitfield, Morris, Paine, Printup, Pruitt, Quillian, Seward, Sirman, Stowers, Sturges, Usry, Whitworth, Williams of Berrien, Young.

So the decision of the President was ordered to stand as the judgment of the Senate.

The following Message was received from the House of Representatives, by Mr. Diamond, their Clerk :

Mr. President: I am directed by the House of Representatives to inform the Senate that they have passed a resolution appointing a committee of three to co-operate with such committee as may be appointed by the Senate to examine and ascertain what, if any, additional furniture is needed in the Executive Mansion, and that they at once order to be furnished what they may deem necessary and

They have appointed as such committee Messrs. Ely, Lofton, and Alexander.

They have also concurred in a joint Resolution in relation to the Branch Mint at Dahlonega.

They have also adopted the following Resolution, to wit:

Resolved, That our Senators and Representatives in Congress are requested to use their efforts to restore the mail line now discontinued between Jacksonville, in Telfair, and Sugar Creek, in said county.

Mr. Harris of Dougherty, from the committee on enrollment, reported as duly enrolled, and ready for the signature of the President of the Senate:

A Resolution bringing on the election of two codifiers of the laws of this State, to-day at 12 o'clock.

Mr. King, chairman of the committee on Internal Improvements, made the following report:

The committee on Internal Improvements have had under consideration so much of the Governor's Message as relates to lending the credit of the State to Rail Road Companies upon the conditions, and under the restrictions particularly stated by his Excellency, and the undersigned members of the committee ask leave to submit to the Senate, the following

REPORT.

The Governor introduced this most important subject by saying: "In my annual message to the last Legislature. I gave it as my opinion that it would be good policy for the State to lend her credit to aid in the construction of such other Rail Roads as may be necessary to the more full development of her vast resources, *provided*, she be made perfectly secure, beyond doubt, against ultimate loss. I still entertain the same opinion." This opinion went before the people of Georgia, has been maturely considered by them, and they have given the best evidence in their power of approval of it, in his re-election by much the largest majority of suffrages that ever elevated a citizen of this State to the Executive chair. This decided expression of the popular will must be as gratifying to his Excellency as it is sure to place him in the front rank of the friends of progress.

It may be contended by those opposed to this policy, that it was not the ruling question in the canvass, yet it must, in the opinion of the undersigned, be admitted, that it was of sufficient importance to have had a very decided influence in

his renomination and election, and that his triumphant success is conclusive evidence that his opinions are approved by the great mass of the people.

This policy if adopted by the Legislature, will inaugurate a system of improvement and material progress for Georgia, far superior in the wisdom of its provisions and limitations, to any heretofore adopted by either of her sister States, and while it will give suitable encouragement and aid to great and important works, will hold out no temptation to those who would recklessly embark in unprofitable undertakings. It will accord with the prudent and enlightened views of the people, and awaken a spirit of enterprize which must soon elevate our noble State to the real and unquestionable rank of "Empire State of the South."

When a State is about to adopt a system for the development of her resources, to increase her wealth and power, either by the expenditure of her means, or by encouragement and aid to her citizens, it is prudent and proper to take a view of her geographical position with respect to communication and intercourse with adjoining States, and her connection with the commerce of the world, both domestic and foreign.

The reckless extravagance with which many of the interior States of the Union have entered on a system of Railway improvements, and an unguarded issue of State credits, has been caused by a total neglect or disregard of these most important considerations. Any State about to engage in such a system, should exercise the caution and sagacity, to first consider well, the amount of the proposed cost or risk, and the certain and probable profits.

Second, the pecuniary strength to be realized in the increased value of the taxable property of her citizens, and the augmentation of the political power to be acquired by it. For although the latter objects are of vital importance in the estimation of every statesman; they are not commonly regarded in time of peace, as the leading or governing motive in risks or investments of that nature.—To estimate clearly the great natural advantages and commercial position of Georgia, it will be necessary to compare them with those of her great Northern sister States, on the Atlantic border, and to show, that with one twentieth part of the expenditure, that has been made by those States or in fact by simply lending her credit, as proposed in the message, she may soon rival them in wealth, and commerce.

The sea coast of the United States, from St. Mary's in Georgia, to Eastport in Maine, has an almost due North East direction. The former being situated on the eighty second, and the latter on the sixtyseventh degree of longitude, West from Greenwich, or in other words, Eastport is near 800 miles, Boston about 660, and New York 500 miles

East of St. Mary's. New Orleans and St. Louis are very near the ninetieth degrees of longitude, showing that the coast of Georgia is about five hundred miles nearer to the general course of the Mississippi River, than New York and near seven hundred miles nearer than Boston. It is further from New York to St. Louis by Railway, than it will be when the roads now in progress shall be completed from our coast to the very centre of the rich cotton producing regions of Texas. It has been found quite practicable to transport produce from Missouri and Iowa, to New York and merchandize from that city, to those States by Railroad, and it therefore must be regarded as equally practicable to bring the cotton of Texas, and the intermediate States of Louisiana, Mississippi and Alabama, to our ports by a similar mode of conveyance. St. Louis is one hundred and fifty miles nearer to Savannah, than it is to New York on a right line, and by Railroad, the difference of distance will be more than two hundred miles. The distance from Memphis to Savannah is 701 miles by Railroad, and from Vicksburg, it will be about 622 miles.

The Baltimore and Ohio Railroad Company, not long since, transported coal for one cent a ton per mile; at that rate, bales of cotton weighing 500 lbs each, or four to the ton, could be delivered from Memphis at Savannah for \$1 75 per bale. But, if we adopt the rates charged on the New York Railroads, for mixed freights two cents per ton, per mile, it would cost \$14 02 to transport a ton—four bales—from Memphis to Savannah, or \$3 50 per bale. The Memphis Bulletin publishes a statement, showing that cotton may be sent from that place to New York, by way of St. Louis for \$4 87 $\frac{1}{2}$ per bale, and that to send by way of New Orleans, it costs \$5 62 $\frac{1}{2}$. Showing a difference in favor of the St. Louis route of 75 cents per bale.

These figures show that if our Railroad system were extended by the construction of new lines, so as to reduce the present exorbitant charges on freight and facilitate transportation, cotton could be brought from Memphis to the ports of Georgia for \$1 75 per bale less than it can be carried from that place to New York by way of St. Louis, and \$2 50 less than by way of New Orleans. Assuming the distance from Vicksburg, to be 622 miles, and adopting the New York rates for mixed freights, the highest at two cents per ton per mile, we see that cotton can be transported from that place to Savannah for \$3.11 per bale of 500 pounds.

The speed of freight trains on railroads ought to be twelve miles an hour, which would deliver freight from Memphis at Savannah or Brunswick in fifty-two hours.—The passage of steamers from Memphis to New Orleans is from three to four days. At the ports of Ga. cotton will be

from ten to twenty days nearer the Northern and European markets than in New Orleans ; and in addition to that saving of time, the costs and charges of receiving, storage, commissions, insurance and freight are much lower at Savannah than at New Orleans, and that difference will more than pay the freight from the Mississippi to our ports. In consequence of the Northern course of the Gulf stream, and the dangerous passage South, round the capes and keys of Florida, sailing vessels, bound to the Gulf ports from Europe, or the North, are compelled to go into the Carribean Sea, East of Cuba, and pass round the West end of that island into the Gulf of Mexico. This circuitous passage requires about thirty-five days from New York to New Orleans, and retards very much the transmission of merchandize for the supply of the Western markets.

The ordinary voyage from New York to the coast of Georgia is five days ; therefore merchandize destined for the States West of her would, if sent in sailing vessels to the ports of Georgia, reach their destination within eight or ten days, and if sent in steamers, in about six days—thus saving from twenty-five to thirty days.

This saving of time is the very soul of commerce. The law of trade is, that what one merchant can do with *certainty, celerity, and profit*, all others in the same pursuit must do to compete successfully with him. It is, therefore, quite certain that all the merchandize destined to supply the States West of us must come to our ports and pay freight on our railroads ; and it is equally certain that the cotton will come from the West to meet the ships.—The laws of trade operate with as much certainty as the laws of gravitation.

On the completion of the Memphis and Charleston Railroad, it was supposed that cotton would be *immediately* sent from the former to the latter city, and because it was not, the argument has been raised that it will not, under any circumstances, or at any time, be sent for shipment from the Mississippi to our Atlantic ports. The reasons why the expected result did not follow the completion of that work are very obvious. First, the Mississippi cottons bear higher prices in New Orleans than Uplands do in our Atlantic markets. Second, the road is but a single track, prices of freight too high, and the delays in transportation too great, to encourage and change in the direction of that branch of commerce. When several competing lines of railroad shall have been completed to the Mississippi river, affording, from several points, cheap and rapid transportation to our seaports, cotton will be purchased at those places and sent through to them for shipment, as it is now purchased in and sent forward from our interior towns and cities.

Another reason was, that the producers of inferior cotton

in North Alabama and Tennessee could, by sending their crops to New Orleans, pass them off as Mississippi cottons, at better prices than could be obtained in Charleston or Savannah. When cheap and rapid communication by railroad shall have been perfectly established, produce will follow those channels to market as surely as water flows where the declivity is greatest.

To make money is the great object of all commercial transactions, and a saving of one dollar per bale would be sufficient to change its direction to market.

The cost of freight and insurance from Savannah to Liverpool is \$2 15 less than from New Orleans to Liverpool; and the charges for receiving, storing, commission, forwarding, &c., &c., in New Orleans, are about \$2 25 per bale more than they are in Savannah, making \$4 40 per bale; and the freight from Vicksburg to New Orleans 50 cents, and we have \$4 90 per bale in favor of shipments from Savannah, which must decide the movement in favor of that port.

It now remains to be shown what States this movement will embrace, and the amount of trade and traffic it will control.

The States of Alabama, Mississippi, Louisiana, Texas, Arkansas, and Tennessee, contain an area of 625,974 square miles; and in 1850 produced 1,544,690 bales of Cotton.—They now probably produce more than 2,500,000. The crop of Texas has increased since that time from 57,556 to more than 250,000, and her soil is capable of producing at least two millions of bales. The alluvion soil of the Valley of the Mississippi River lying within the States of Louisiana, Arkansas, Tennessee and Mississippi, is estimated to be capable of producing more than four millions of bales, and the product will increase from what it now is, as fast as the consumption may demand it.

Therefore it is reasonable to suppose, that within a period of twenty-five years hence, those States will produce at least four million bales of Cotton, which at ten cents per pound, or fifty dollars per bale, will be worth \$200,000,000, and there cannot be a doubt on the mind of any reasonable man who will take a proper view of the geographical position of Georgia, that she may, by the adoption of the policy recommended in the message, attract to her own sea ports more than one half of this vast product—that she will become one of the largest exporting and importing States of the Union, and that her railroads will be the channels of traffic between the great cotton producing States, and the commercial world.

• The State of New York was the first among the States of the Union to make great improvements of internal improvement,

to develop her own resources, and attract to her sea-port the trade of the north-western States.

It is proper, therefore, to see what was her own condition with respect to population, and the value of her taxable property when she began those works which have so vastly augmented her wealth, prosperity and power. At the time she commenced the Erie Canal, the number of her inhabitants was not much larger than that of this State at the present time, and when that work was completed in the year 1825, the taxable value of her property amounted to but \$312,256.257, not much more than one half the value of the taxable property of Georgia at this time. The great object of that work, was to draw the trade of the North Western States and Territories to New York. Those States were Ohio, Indiana, Michigan, Illinois, Wisconsin and Iowa. They embrace an area of 391,363 square miles, and had at that time a population of 1,121,372. Their exports consisted chiefly of wheat and flour. New York has continued to pursue this system until she has expended on canals, of her own means, \$54,054,601 02. The State and her citizens have expended on Railroads \$132,753,160 34, making an aggregate expenditure of \$186,807,761 36.

This vast sum has been employed to develop her own resources, and to compete with her sister States, Massachusetts and Pennsylvania for the commerce and traffic of the States lying west of her. The Canal and Railroad system of Pennsylvania has cost over one hundred millions of dollars, about \$47,000,000 of which the State expended of her own means. A very large proportion of this, was used in extending her lines of improvement west for the purpose of competing with New York, for the trade of that region.—Massachusetts next entered the field of competition, and with a population about equal to that of Georgia, and a territory not one-eighth as large, she has expended on her Railroads \$64,805,018. Her Railroads, have cost over \$43,000 per mile, and yet they pay an average dividend of six per cent.

Those three States have expended on Canals and Railroads more than \$370,000,000, a very large proportion of which was applied to works designed to attract the trade of the North West to their sea ports; a trade which never can equal in value that of the Cotton States; which will seek a market over the Railroads of Georgia, if the policy proposed be adopted, without drawing one dollar from her Treasury.

For the purpose of presenting a clear view of the effect of improvements in the State of New York, on her wealth and power, it is only necessary to point to her 3,500,000 people, and the taxable value of her property, amounting to \$1,404,907,679. and then to consider what would have been

her condition if she had remained inactive, and allowed Massachusetts and Pennsylvania to perfect their system of Canals and Railways without competition. Is it not evident, that instead of being the first, and most powerful State in the Union, she would at this hour only occupy the third or fourth rank.

The geographical position of Georgia is far more commanding than that of New York, and if she is true to herself, and now moves in earnest to the adoption of a wise system, she may realize results more certain and astonishing, than those which have elevated her great Northern sister to one of the first positions in the commercial world. In all the States of the Union, where railroads have been constructed, the value of property, and the population have vastly increased, and all pursuits have become more profitable.

The value of property in the State of New York has more than doubled in ten years, since the completion of her Railroads; in 1849 it mounted to \$665,850,737, in 1859 it was \$1,404,907,679. In the State of Ohio a similar result has followed the construction of her Railways; the value of her taxable property, in 1850, was \$439,966,340, in 1859, it was \$840,800,031, a fraction less than one hundred per cent increase in nine years. The value of taxable property in Pennsylvania has increased about in a similar proportion. In New Jersey, the value of land five miles in width, on each side of the Camden and Amboy Railroad, has increased in value as much as that double track road has cost. The Virginia and East Tennessee Railroad is 204 miles in length, and cost about \$7,000,000. In 1850, the taxable value of land in the counties through which it passes, taken from the census, was \$28,952,627, and in 1856 the assessment makes it \$63,917,228, an increase in six years of \$25,365,558, or almost one hundred per cent.

In North Carolina the pine land that was worth but 5 to 10 cents per acre, before the Railroads were built, is now selling for three, five, and in many places ten dollars per acre. The Greenville Alabamian states in 1853, when the survey of the Montgomery and Pensacola Railroad was commenced, the value of land in Butler county was \$531,015, in 1855 when the grading was commenced, it was \$891,175, and in 1858 it was over \$2,000,000, showing an increase of near four hundred per cent.

In nine of the South-western counties of Georgia which have been approached by Railroad since 1850, the value of land has risen from \$11,941,715 to \$23,639,027; an increase of \$11,697,312, or of 98 per cent in nine years. There are in the counties South of the Ocmulgee river, and west of the Altamaha, remote from Railroad, 6,743,349 acres of uncultured pine-timber land. If the contemplated lines of Railroad shall be constructed, those lands will be worth, for the tim-

ber and for the cultivation—where now it is of little or no value—from five to ten dollars per acre, and add not less than thirty millions of dollars to the taxable value of property in the State.

The mountains of Georgia are rich in metals, and minerals, and probably contain as much coal and iron as those of Pennsylvania which now send forth a product worth more than seventy-five millions of dollars annually, from a region which, before Canals and Railroads were built, was like that of Georgia, of little value. There cannot be a doubt therefore, that suitable Railroad communications will develop the wealth of our mineral region, and make it as populous and productive as any in the world.

There being no returns showing the taxable value of land in Georgia, previous to, nor for some years after the construction of the Central Railroad, and the Georgia Railroad and most of their connections, it is not possible to ascertain the effect of those works on the taxable value of property in this State, but the more recent extension of the South-western Railroad, in the nine counties above alluded to, shows very conclusively what it must have been.

Evidences of the increased value of property, caused by the construction of Railroads, might be multiplied to an almost indefinite extent, from all parts of the Union where they have been built, but it is believed that enough has been adduced to show, beyond doubt, that if the policy proposed in the message shall be carried into practical effect by the Legislature, that while the State will be perfectly secure from pecuniary loss, or injury to her credit, incalculable benefits will be conferred on those portions of her territory, which are now without Railroad facilities; that the taxable value of all property will be vastly increased, that all occupations and pursuits must participate in the general prosperity; that our towns and cities will be enriched by an extensive and profitable trade, and Georgia become the great Agricultural, Mining and Commercial State of the South.

The last annual report of the Georgia Railroad and Banking Company—March, 1859, shows that their capital stock is \$4,000,000, and that the nett earnings of their Railroad and Bank for the year amounted to \$599,212 80 which gives a dividend on that capital, of 14 8-10 per cent. Some previous years gives a larger result. The Annual Report of the Central Railroad and Banking Company for 1858, shows their capital stock to be \$3,750,000, and the nett earnings of their Railroad and Bank for the year, to have been \$787, 103 69, which gives a dividend on their capital of 20 8-10 per cent.

These figures prove that the former could have paid a dividend of seven per cent, the legal interest of Georgia, on twice the amount of their capital, or on \$8,000,000, and

that the latter companies ~~could~~, very nearly have paid a like dividend on three times the amount of their capital, or on \$11,250,000, and that the two companies could have paid a dividend of seven per cent on \$19,250,000 or on \$11,500,000, more than their capital stock.

This statement proves that *three additional* Railroads running from the interior, to the sea coast, would each with only the present amount of traffic, pay a dividend of seven per cent per annum. But when we consider that the exports of upland cotton from Savannah, have increased from 203,363 bales in 1853, to 352,266 in 1859, and that 175,445 bales of that increase occurred in the present year, we cannot fail to perceive that the cotton of Western Georgia, and Eastern Alabama, which formerly went to ports on the Gulf is beginning to find its way to the Atlantic by Railroad conveyance. This goes to prove the argument presented in this report, that as our Railroad system is increased and extended westward, the cotton of the States lying west of Georgia will be sent to her Atlantic ports, and that the time is not distant, when more than two millions of bales will annually take that direction, and supply all the Railroads that can be constructed under the proposed measure, each, with more freights and passenger traffic than the Central Railroad now carries.

Therefore, considering the large profits realized by the two roads before mentioned, and the increase of business which must come from, and go to the cotton States West of us, as Railroad communications shall be extended through them, there cannot be a doubt on the mind of any reasonable man that the new lines contemplated will yield such profits as to put to rest all fears that they will not pay promptly, the interest and principal of the bonds, as they become due which it is proposed that the State shall endorse.

The undersigned therefore, respectfully submit, they have shown that by the adoption of the policy proposed, the State will be vastly benefited and made perfectly secure beyond doubt against ultimate loss.

T. BUTLER KING, Chairman.
B. B. QUILLIAN,
N. McDUFFIE,
A. S. ATKINSON,
W. W. PAINE,
J. L. SEWARD,

Mr. Seward moved that five hundred copies of said report be printed for the use of the Senate.

On agreeing to which motion the yeas and nays were recorded, and

Were yeas 76, nays 11.

Those who voted in the affirmative are Messrs :

Allred, Atkinson, Barclay, Billups, Boggs, Bond, Burnett, Byers, Cannon, Carter of Echols, Chester, Cook, Cowen, Crittenden, Davis, Denham, Donaldson, Flewellen, Fulton, Glover, Green, Grice, Hall, Harris of Dougherty, Harris of Worth, Haven, Head, Hightower, Hines, Holt, Hutchins, Hyde, Ivey, Jamison, Johnson of Clayton, Jordan, King, Kirby, Lenoir, Lott, Maddox, Merrill, McDuffie, McRae, Moore of Laurens, Moore of Whitfield, Morris, Oliver, Paine, Poole, Pripp, Pruitt, Quillian, Riley, Ritch, Robinson, Rushin, Seward, Shelton, Shellnut, Sheppard, Sirman, Smith of Hancock, Stowers, Sturges, Sweat, Tillman, Tripp, Usvy, White, Whitworth, Williams of Berrien, Williams of Rabun, Wilson, Young.

Those who voted in the negative are Messrs :

Barrow, Bartlett, Cone, Evans, Griffin of Brooks, Griffin of Twiggs, Hart, Hill of Wilkes, Jones, Lockhart, Whitehurst.

So the motion was agreed to.

Mr. Robinson, introduced

A bill to be entitled an act to change the line between the counties of Baker and Early, so as to include lot of land number three hundred and ninety two, in the 7th district of Baker in the county of Early,

Which was read the first time.

Also, a bill to be entitled an act to prescribe and define the qualifications of persons in Early county, for the office of Ordinary and to remove certain disabilities under existing laws, and for other purposes.

Which was read the first time.

Also, a bill to be entitled an act to authorize Solomon A. Howell, an infirm man of the county of Calhoun as an itinerant trader to vend any goods wares or merchandize within the 2d Congressional District, without obtaining license for the same,

Which was read the first time.

Mr. Seward offered the following resolution which was taken up, read and agreed to.

Whereas, There is likely to occur serious border difficulties between the citizens of Georgia and our sister State of Florida, on account of a conflict of Jurisdiction of the Courts of the two States, involving the sovereignty of said States.

And whereas it is incompatible with the character of the two Governments (between which the most friendly relations should exist) that any collision should occur between the citizens thereof. Be it

Resolved therefore, By the General Assembly that the Governor be authorized to appoint a special agent to visit Tallahassee the seat of Government of the State of Florida, to confer with the Executive of the said State of Florida, and to enter upon such negotiations as will restore quiet and prevent bloodshed between the citizens of said States, until the boundary line of said States is adjusted and agreed upon.

Mr. Seward moved that the Secretary be directed to transmit said resolution forthwith to the House of Representatives.

Which was agreed to.

Mr. Tarver, introduced

A bill to be entitled an act to compensate the Sheriffs of Jefferson county, for serving of Subpoenies on Grand and Petit Jurors of said county,

Which was read the first time.

Mr. Williams of Berrien, introduced

A bill to be entitled an act for the relief of Moses G. Sutton of Berrien county,

Which was read the first time.

Mr. Williams of Rabun, introduced

A bill to be entitled an act to incorporate Chickero Baptist Church in the county of Rabun,

Which was read the first time.

Mr. Wilson, introduced

A bill to be entitled an act to alter, amend and define an act to provide for the education of the children of this State, &c., assented to December 11th, 1858, and for other purposes therein mentioned, so far as relates to the county of Murray,

Which was read the first time.

Mr. Johnson of Clayton, moved to suspend the rules for the purpose of introducing a bill,

Which was agreed to.

Mr. Johnson of Clayton, introduced

A bill to be entitled an act to change and alter the line between the counties of Henry and Clayton, and between the counties of Fayette and Clayton, &c., which was read the first time.

Mr. McGhee, moved to suspend the rule for the purpose of taking up a bill for a third reading, which was agreed to.

The Senate took up, as the report of the Committee of the Whole,

A bill to be entitled an act to incorporate the Trustees of the Presbyterian Church, in the town of Perry in Houston county.

The report was agreed to, the bill was read the third time and passed.

The following Message was received from the House of Representatives by Mr. Diamond, their Clerk.

Mr. President—I am directed by the House of Representatives, to inform the Senate that they are now ready to receive them in their Hall, and go into an election of two Commissioners to codify the Laws of Georgia.

On motion of Mr. Evans, the Senate repaired to the Representative Hall, and after being seated the General Assembly proceeded to the election of two codifiers of the laws of Georgia, to fill the vacancies occasioned by the resignation of Hershell V. Johnson and Iverson L. Harris; when on receiving and counting out the ballots, it appeared that T. R. Cobb, Esq., of the county of Clarke and Richard H. Clarke, Esq., of the county of Dougherty, were duly elected.

The Senate then on motion returned to their chamber.

Mr. Paine, moved to suspend the rule for the purpose of reading bills of the House Representatives the third time, which was agreed to.

The Senate took up, as the report of the Committee of the Whole.

A bill to be entitled an act to change the lines between the counties of Coffee and Irwin.

The report was agreed to the bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole,

A bill to be entitled an act fixing the time of holding the Inferior Courts, in the county of coffee.

The report was agreed to, the bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole,

A bill to be entitled an act to provide for the compensation of Sheriffs, for the summoning of Grand and Petit Jurors, in the county of Dougherty.

The report was agreed to, the bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole,

A bill, to be entitled an act authorizing the Inferior Court of the county of Murray, to increase the tax for the said county, and for other purposes.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the Committee of the Whole:

A bill, to be entitled an act for the relief of teachers of poor children, in Muscogee county, in the year 1853.

The report was agreed to,, the bill was read the third time as passed.

The Senate took up as the report of the Committee of the Whole,

A bill, to be entitled an act for the relief of William P. Redwine, of the county of Fayette.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the Committee of the Whole,

A bill, to be entitled an act for the relief of the securities upon the bonds of substituted Trustees, and for other purposes therein named.

On motion, the same was referred to the committee on the Judiciary.

The Senate took up as the report of the Committee of the Whole,

A bill, to be entitled an act to incorporate the Bainbridge and Florida Rail Road Company.

Mr. Seward moved to amend the report, by striking out all that part which relates to the Georgia and Florida Rail Road, and add an additional section in lieu thereof.

On motion, the bill with amendments was referred to the committee on Internal Improvements.

The Senate took up as the report of the Committee of the Whole,

A bill, to be entitled an act to authorize the Inferior Court of Pierce county, to assess an extra tax, for the purpose of building a Jail.

The report was agreed to, the bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole,

A bill, to be entitled an an act to change the line between the counties of Hall and Banks.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the Committee of the Whole,

A bill, to be entitled an act to repeal so much of an act entitled an act to extend the corporate limits of the town of Hamilton, in the county of Harris, and other places therein named, and to incorporate the town of Trenton in Dade county, approved February 18, 1854, as relates to the incorporation of the town of Trenton, and to provide for working the streets of the town of Trenton.

The report was agreed to, the bill was read the third time and passed.

• On motion of Mr. Harris, of Dougherty, the rules were

suspended, and the following bill of the Senate, amended by the House of Representatives, was taken up, to wit :

A bill, to be entitled an act to repeal the seventh section of an act entitled an act to incorporate and grant certain privileges and powers to the Newnan Guards, in the town of Newnan, Coweta county, and for other purposes herein mentioned, and to repeal the fourth section of an act to regulate the compensation of Jurors, in the county of Jefferson, and for other purposes therein named.

And on motion of Mr. Harris, of Dougherty, the amendments of the House of Representatives were concurred in.

The following message was received from the House of Representatives, by Mr. Diamond their Clerk :

Mr. President: I am directed by the House of Representatives to inform the Senate, that they have concurred in a resolution of the Senate, in relation to difficulties between the citizens of the States of Georgia and Florida.

The Senate took up, as the report of the Committee of the Whole,

A bill, to be entitled an act to give to Charles N. Terry, a minor, of the county of Muscogee, and Joseph H. Morehouse, a minor, of Screven county, the same privileges, and subject to the same liabilities, as though they were of lawful age.

Mr. Phillips moved to amend the report, by adding the names of William C. Bickers, and George W. Johnston, to the title of said bill.

Also further to amend the report, by adding the following section :

And be it further enacted, that Littleberry Jackson, of Greene county, Guardian of William C. Bickers, and Mrs. George W. Johnston, formerly Miss Bickers, be, and he is hereby authorized to settle with said William C. Bickers, and said George W. Johnston, in right of his wife, as the Guardian of said William C. Bickers, and Mrs. George W. Johnston, and that the receipt of said Bickers, and said George W. Johnston, in right of his wife, shall be as binding and valid, as if said William C. Bickers and said George W. Johnston were of lawful age.

Pending which the hour of adjournment having arrived, the President adjourned the Senate until 9 o'clock, Monday morning.

MONDAY, NOVEMBER 21ST, 1859.

The Senate met according to adjournment.

Leave of absence was granted to Mr. Hines for a few days on special business.

Mr. Printup moved to suspend the rules for the purpose of introducing a bill, which was agreed to.

Mr. Printup introduced a bill to be entitled an act to incorporate the Alabama Planters' Steamboat Company, and to grant to said Company certain powers therein specified.

Which was read the first time.

Mr. Harris of Dougherty, from the committee on enrolment, report the resolution authorizing the Governor to appoint a special Agent to confer with the Executive of Florida respecting difficulties likely to arise between citizens of Georgia and said State, as duly enrolled, and ready for the signature of the President of the Senate.

The Senate resumed the unfinished business of Saturday, which was the consideration of

A bill to be entitled an act to give Charles N. Terry, a minor of the county of Muscogee, and Joseph H. Morehouse, a minor of Screven county, the same privileges, and make them subject to the same liabilities as though they were of lawful age, and the amendments offered thereto.

On motion of Mr. Holt, the same was postponed for the present.

Mr. Harris of Dougherty moved to suspend the rules, which was agreed to.

Mr. Harris of Dougherty offered the following resolution, which was taken up, read and agreed to.

Resolved That the Secretary of the Senate be authorized to appoint ten additional Clerks in the enrolling department, and two in the engrossing department, if he deem so many necessary

Mr. Barrow offered the following resolution, which was taken up, read and unanimously agreed to:

Whereas, The General Assembly have received intelligence of the death of Ex-Governor George R. Gilmer, at his residence in Lexington, on the 16th inst., and whereas, it is proper to pay some tribute of respect to those who have served their country.

Be it therefore,

Resolved, That in the death of George R. Gilmer, the State of Georgia has been deprived of one of her most faithful, upright and efficient citizens, of one who in various positions had served her with credit to himself and benefit to her, and who, as Chief Magistrate in trying times had

proved himself true to her interest, and devoted to her rights, and in every public and private relation had shown himself to be firm, honest and just.

Resolved, That as a token of respect to his memory, the General Assembly will adjourn until 9 o'clock to-morrow morning.

Resolved, That the Secretary of the Senate be hereby instructed to transmit a copy of these resolutions to the widow, of the deceased.

On motion of Mr. Cone, the Secretary was directed to transmit said resolutions forthwith to the House of Representatives.

Which was agreed to.

On motion of Mr. Cone the Senate adjourned until 9 o'clock, to-morrow morning.

TUESDAY, NOVEMBER 22D, 1859.

The Senate met according to adjournment.

Mr. Burnett introduced,

A bill to be entitled an act to define and enlarge the duties of county Treasurers.

Which was read the first time.

The Hon. Nell McLeod, Senator elect from the county of Emanuel, appeared, was sworn in by the President and took his seat.

Mr. Chester introduced

A bill to be entitled an act to provide for the citizens of Decatur county to cross Flint River at or near Bainbridge free of ferriage.

Which was read the first time.

Mr. Collier introduced

A bill to be entitled an act to incorporate the Atlanta Mutual Insurance and Stock Company.

Which was read the the first time.

Mr. Evans introduced

A bill to be entitled an act to amend the act incorporating the town of Lumpkin, in Stewart county, and for other purposes.

Which was read the first time.

Mr. Green introduced

A bill to be entitled an act to repeal an act entitled an act to consolidate the office of Tax Collector and Receiver of Tax Returns for the county of Haralson. Assented to, December 15th, 1858.

Which was read the first time.

Mr. Griffin of Twiggs introduced

A bill to be entitled an act to change the third, fourth, sixth and seventh Congressional Districts of this State.

Which was read the first time.

Mr. Hackett introduced

A bill to be entitled an act to authorize the Ordinary of Habersham county to perform certain duties.

Which was read the first time.

Also, a bill to be entitled an act to change the line between the counties of Whitfield and Catoosa.

Which was read the first time.

Mr. Harris of Worth, introduced,

A bill to be entitled an act to require the Ordinary of Worth county, to pay Isaac R. Porter accounts against said county for tuition of poor children in said county.

Which was read the first time.

Also, a bill to be entitled an act to alter and amend the eleventh section of the 3d article of the Constitution.

Which was read the first time.

Also, a bill to be entitled an act for the relief of William S. Rackley and Eliza A. Rackley.

Which was read the first time.

Also, the following resolution, which was read :

Resolved, By the General Assembly of the State of Georgia, That our Senators and Representatives in Congress be requested to use their influence to have the mail routes through the counties of Worth, Irwin and Wilcox, altered and changed from what they now are, to what they were previous to the letting of the new contracts in 1859, so as to facilitate the transmissions of the mails, the condition of the mail routes through said counties being in a wretched condition at the present time, and that a copy of this resolution be forwarded to our members of Congress.

Mr. Harvin introduced,

A bill to be entitled an act to give to the Commissioners appointed by the Inferior Court of Calhoun county, to examine teachers, the power to decide upon their qualifications.

Which was read the first time.

The following message was received from the House of Representatives by Mr. Diamond, their clerk :

Mr. President : The House of Representatives have passed the following bills of the Senate :

A bill to authorize the Mayor and Council of the city of Atlanta, to take possession of the enclosed ground lying between the general Passenger Depot and Decatur street, and the Atlanta Hotel and Lloyd street, in the city of Atlanta, for the purpose of beautifying and ornamenting the same, to be used as a Rail Road Park.

Also, a bill of the Senate, to pardon Francis J. Smith, of the county of Campbell, now under sentence of death for the crime of murder.

Mr. Hill of Lumpkin introduced a bill to be entitled an act to alter and amend an act entitled an act to regulate the granting of Retail license and sale of spiritous liquors. Assented to the 29th December, 1838, so far as relates to the city of Americus.

Which was read the first time.

Mr. Hill of Wilkes offered the following resolution which was taken up, read and agreed to :

Resolved, That no new matter be introduced into this branch of the General Assembly after the 30th inst., unless by a two thirds vote of the Senators present.

Mr. Hutchins introduced,

A bill to be entitled an act for the relief of certain persons therein named.

Which was read the first time.

Also, the following resolution, which was read :

Resolved, That a committee of be
appointed by this branch of the General Assembly to join such committee as may be appointed by the House of Representatives, to take into consideration the propriety and necessity of establishing at some suitable place in this State an Armory for the manufacturing of Ordnance, and other arms suitable for the equipment and arming of an effective volunteer and Militia force in this State, and that said committee report by bill or otherwise.

Mr. Jordan introduced,

A bill to be entitled an act to incorporate the Pulaski Insurance Company of Hawkinsville, Georgia,

Which was read the first time.

Mr. Lawton introduced,

A bill to be entitled an act to confer certain privileges on Charles Green.

Which was read the first time.

Mr. Lenoir introduced,

A bill to be entitled an act to repeal the 4th section of an act to prescribe the manner in which names of persons may be changed, &c., and to provide for establishing, abolishing, or changing election precincts, &c.

Which was read the first time.

Also, a bill to be entitled an act to amend and interpret an act approved March 5th, 1856, relative to the payment of accounts of teachers of poor children.

Which was read the first time

Mr. Maddox introduced,

A bill to be entitled an act to compel non-residents in Charlton county, to pay taxes on lands therein.

Which was read the first time.

Mr. Merrell introduced,

A bill to be entitled an act to change the line between the counties of Haralson and Carroll, so far as to add to the county of Carroll lots of land numbers 278 and 259, in the 7th District of originally Carroll now Haralson, so as to change the residence of Matthew Reid and F Reid, from Haralson to Carroll county.

Which was read the first time.

Mr. Printup introduced,

A bill to be entitled an act to amend an act to incorporate the Georgia and Alabama Rail Road Company, and to grant certain powers and privileges to the same, and for other purposes. Approved February 18th, 1854

Which was read the first time.

Mr. Kirby introduced,

A bill to be entitled an act to consolidate the offices of Clerk of the Superior and Inferior Court of the county of Chattooga.

Which was read the first time.

Mr. Pruitt offered the following resolution, which was read :

Resolved, By the General Assembly of the State of Georgia, That our Senators and Representatives in Congress be requested to use their influence to have a tri-weekly mail route established from Harmony Grove in the county of Jackson, by way of Phi Delta, Bushville, and the county site of Banks, Webb's Creek and Hollingsworth, to Clarksville in Habersham county.

Mr. Riley introduced,

A bill to be entitled an act to alter and amend the law of descent in cases of persons who are illegitimate or born out of lawful wedlock dying intestate.

Which was read the first time.

Mr. McDuffie introduced,

A bill to be entitled an act to amend an act entitled an act to incorporate a bank in the city of Savannah, to be called the Timber Cutters' Bank. Approved February 26th, 1856.

Which was read the first time.

Mr. Sturgis, from the committee on Internal Improvements made the following Report :

The committee on Internal Improvements to whom was referred the portion of the Governor's Message on State aid to Rail Roads, Report,

That they have had under consideration the subject sub-

mitted to them, and they recommend that no action be taken by the General Assembly in relation thereto.

J. R. STURGES,
E. S. GRIFFIN,
O. W. HART,
RANDOLPH SPALDING,
A. R. LAWTON,
W. M. WHITEHTRST.
HINES HOLT
GEO. T. BARTLETT.
W. C. COOPER.
DAVID C. BARROW.
THOS. F. WELLS.

Mr. Sweat offered the following resolution, which was read:

Resolved, That our Senators and Representatives in Congress from this State, are hereby requested to use their best efforts to have a daily mail route established from Waresboro to Teboville, on the Atlantic and Gulf Rail Road, Ware county. Said mail to be carried in two horse Hacks. Also, to have the mail route from Waresboro, Ware county, to Holmesville, Appling county, re-established.

Resolved, That the Governor be requested to furnish each of our Senators and Representatives in Congress with a copy of these Resolutions.

Mr. Willams of Rabun, introduced,

A bill to be entitled an act to compel Justices of the Peace, in the county of Rabun, to give bond and security, and for other purposes.

Which was read the first time.

The following Message was received from the House of Representatives by Mr. Diamond their Clerk :

Mr. President: The House of Representatives have passed the following bills :

A bill to provide for the biennial election of the principal Teacher of the Georgia Institution for the Deaf and Dumb, and for other purposes.

Also, a bill to make Justices of the Peace in the several Militia Districts, in the county of Jasper, ex-officio Road and Patrol Commissioners.

Also, a bill to prescribe the time of holding elections for members of the Senate, in the Congress of the United States from the State of Georgia.

Also, a bill to authorize the Inferior Court of the county of Tattnall, to levy an extra tax for county purposes.

Also, a bill to reduce work on roads in the county of Wilcox.

Also, a bill to allow and make compensation to the Reporter of the Supreme Court for certain volumes of the decisions of said Court furnished by him under the provisions of the act of 1845.

Also, a bill to provide for the probating of wills by commission from the Ordinary with interrogatories attached, and to make it lawful for the Ordinaries of this State to grant commission to take testimony by Interrogatories in any cause that may be pending in said Courts of Ordinary under the same restrictions, terms and conditions as are now prescribed by law, for the taking of testimony by commission, in the Superior and Inferior Courts of this State, and for other purposes therein named.

Also, a bill to charter the Port Royal Rail Road Company

Also, a bill to prescribe the duty of the Judge of the Superior Court, of the county of Stewart, in relation to Petit Jurors of said Court, and for other purposes.

Also, a bill to require securities and endorsers, when they give notice, to do so in writing.

Also, a bill to amend the Judiciary Act of this State, approved the 16th day of February, 1799, as to require the several Clerks of the Superior, Inferior and Corporation Courts of the county of Richmond in this State, to enter all appeals of causes tried in any of said Courts in a separate book provided for that purpose.

Also, a bill to amend the act establishing the Supreme Court of Georgia.

Also, a bill to repeal an act amendatory of the tenth section of the tenth division of the Penal Code of Georgia, and for other purposes.

Also, a bill to amend the charter of the town of Warrenton, in Wilkes county.

Also, a bill to incorporate a Mining Company, in Carroll county, and in other counties of the State of Georgia.

Also, a bill authorizing the Inferior Court of Schley county, to levy an extra tax, for county purposes.

Mr. Briscoe introduced,

A bill to be entitled an act to amend the habeas corpus laws of this State.

Which was read the first time.

Mr. Wilson offered the following resolution, which was read:

Whereas, The people of a large and extensive portion of Murray county are subjected to serious trouble and inconvenience on account of their remoteness from an office.

Resolved, That our Senators and Representatives in Congress be requested to use their influence to procure a weekly one horse mail line from Spring Place or other most

convenient office to a place known as the Ball Ground, in the Ball Ground Militia District of said county, where it is desired said Post Office shall be located—the name of this office to be Ballville, and that a copy of this Resolution be forwarded to our members in Congress.

Mr. Harris of Dougherty, from the committee on enrolment, reported as duly enrolled, and ready for the signature of the President of the Senate :

An act to pardon Francis J. Smith, of the county of Campbell, now under the Sentence of death.

Mr. Tarver introduced,

A bill to be entitled an act to lay out and organize a new county out of the counties of Columbia, Jefferson, Warren and Glascock, and to organize the same.

Which was read the first time.

Mr. Hyde introduced,

A bill to be entitled an act to amend an act entitled an act to provide for the education of children of this State between certain ages, and to provide an annual sinking fund for the extinguishment of the public debt, so far as relates to the county of Fannin.

Which was read the first time.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to aid the citizens of Georgia in the construction of Rail Roads in this State, upon the conditions and limitations therein specified.

Mr. Billups moved to postpone the same indefinitely.

Upon agreeing to which motion the yeas and nays were recorded, and were yeas 45, nays 65.

Those who voted in the affirmative were Messrs :

Alexander, Barrow, Bartlett, Billups, Bond, Burnett, Carter of Elbert, Chester, Cloud, Cooper, Coe, DeLapierre, Denham, Evans, Fulton, Glover, Grice, Griffin of Brooks, Griffin of Twiggs, Hackett, Hall, Hart, Harvin Head, Hill of Sumter, Hill of Wilkes, Hines, Hitchcock, Holt, Jones, Lawton, Lockhart, Oliver, Reid of Morgan, Rushin, Sawyer, Sheppard, Spalding, Tarver, Tatum, Walker, Ward, Wells, Whitehurst, Whitworth.

Those who voted in the negative were Messrs :

Allred, Atkinson, Barclay, Boggs, Byars, Cannon, Carter of Echols, Collier, Cook, Cowen, Crittenden, Davis, Donaldson, Flewellen, Gartrell, Green, Harris of Dougherty, Harris of Worth, Hightower, Hutchens, Hyde, Ivey, Jamison, Johnson of Clayton, Jordon, King, Kirby, Lenoir, Lott, Maddox, Maples, Matthews, Merrill, McDellie, McGe-

hee, McLeod, McRea, Moore of Laurens, Moore of Whitfield, Morris, Paine, Poole, Printup, Pruitt, Quillian, Riley, Ritch, Robinson, Roberts, Seward, Shelton, Shellnut, Sirman, Smith of Hancock, Stowers, Sturges, Summerour, Sweat, Tripp, Usry, White, Williams of Berrien, Williams of Rabun, Wilson, Young.

So the motion did not prevail.

Mr. King called for the previous question, upon the passage of the bill, which being recorded, the main question was ordered to be put. And the report being agreed to, the main question was put, which was,

Shall this bill now pass?

Upon which question Mr. King required the yeas and nays, which being recorded were yeas 61, nays 49.

Those who voted in the affirmative were Messrs.

Allred, Atkinson, Barclay, Boggs, Byars, Cannon, Carter of Echols, Collier, Cowen, DeLapierre, Donaldson, Gartrell, Green, Griffin of Brooks, Harris of Dougherty, Harris of Worth, Hightower, Hutchins, Hyde, Ivey, Jamison, Johnson of Clayton, Jordan, King, Kirby, Lamar, Lenoir, Lott, Maddox, Maples, Matthews, Merrill, McDuffie, McGeehee, McLeod, McRea, Moore of Laurens, Moore of Whitfield, Morris, Paine, Poole, Printup, Pruitt, Quillian, Riley, Ritch, Roberts, Seward, Shelton, Shellnut, Sirman, Stowers, Summerour, Sweat, Tracy, White, Whitworth, Williams of Berrien, Williams of Rabun, Wilson, Young.

Those who voted in the negative were Messrs.

Alexander, Barrow Bartlett, Billups, Bond, Burhett, Carter of Elbert, Chester, Cloud, Cooper, Cook, Cone, Crittenden, Davis, Denham, Evans, Flewellen, Fulton, Glover, Griffin of Twiggs, Hackett, Hall, Hart, Harvin, Head, Hill of Sumter, Hill of Wilkes, Hines, Hitchcock, Holt, Jones, Lawton, Lockhart, Oliver, Reid of Morgan, Robinson, Rushin, Sawyer, Sheppard, Smith of Hancock, Spalding, Sturges, Tarver, Tripp, Usry, Walker, Ward, Wells, Whitehurst.

So the motion prevailed.

Mr. Paine, from the Joint Committee, to whom was entrusted the duty of making arrangements for Thanksgiving day, and to select a Minister to deliver a sermon suitable to the occasion, reported that they have selected the Rev. S. H. Higgins, D. D., of the city of Columbus, who has accepted, and will deliver a sermon on that day at 11 o'clock, A. M. in the Representative Hall.

The following Message was received from his Excellency the Governor, by Mr. Waters, his Secretary, to wit :

Mr. President :—The Governor has signed the bill to pardon Francis I. Smith, of Campbell county, now under sentence of death for the crime of murder.

Also, the resolution authorizing the appointing of a special agent to visit Tallahassee, Florida, to confer with the Executive of that State, in reference to border difficulties.

The Senate took up, as the report of the Committee of the Whole,

A bill to be entitled an act to repeal the third and seventh sections of the first article of the Constitution of the State of Georgia, and to add an additional section, and for other purposes with the amendments offered thereto.

Mr. Cannon, moved that said bill with the amendments be referred to a special committee of one from each Judicial District to report by bill or otherwise, which was agreed to.

The President appointed as such committees the following, to-wit :

From the Brunswick Circuit.—Mr. Cannon.

From the Pataula Circuit.—Mr. Evans.

From the Tallapoosa Circuit.—Mr. Merrill.

From the Northern Circuit.—Mr. Hill of Wilkes.

From the Eastern Circuit.—Mr. Lawton.

From the Middle Circuit.—Mr. Sturges.

From the Western Circuit.—Mr. Billups.

From the Ocmulgee Circuit.—Mr. Bartlett.

From the Southern Circuit.—Mr. Moore of Laurens.

From the Flint Circuit.—Mr. Flewellen.

From the Cherokee Circuit.—Mr. Johnson of Cass.

From the Coweta Circuit.—Mr. Collier.

From the South-western Circuit.—Mr. Hill of Sumter.

From the Chattahoochee Circuit.—Mr. Holt.

From the Macon Circuit.—Mr. Tracy.

From the Blue Ridge Circuit.—Mr. Gartrell.

The Senate took up, as the report of the Committee of the Whole,

A bill to be entitled an act to define the duties of Sheriffs, and for other purposes.

Mr. Morris moved that the same be postponed indefinitely, which was agreed to.

The Senate took up, as the report of the Committee of the Whole,

A bill to be entitled an act to amend an act approved March 5th, 1856, entitled an act to authorize persons to submit controversies to arbitration declaring how arbitrators shall be chosen prescribing their powers regulating the

manner in which their proceedings shall be conducted, and for other purposes therein mentioned.

The report was agreed to, the bill was read the third time and passed

The Senate took up, as the report of the Committee of the Whole,

A bill to be entitled an act to incorporate the Planters Railroad Company, and for other purposes.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole :

A bill to be entitled an act to legalize the marriage of Lawson Cody, and Francis E. Cody, and for other purposes.

The report was agreed to, the bill was read the third time and passed.

The Senate took as the report of the committee of the whole :

A bill to be entitled an act to authorize A. C. Trimble administrator of Andrew M. Hamilton, deceased, to sell the negroes of his intestate on the first Tuesday in January next.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole :

A bill to be entitled an act to give to the Inferior Court of the county of Telfair, power and authority to appoint some fit and proper person to be Treasurer, to receipt for and receive the amount of money to which said county may be entitled under the act to provide for the education of the children of this State, assented to December 11th, 1858, when the Ordinary refuses or neglects to give bond in terms of the law.

The special committee to whom said bill was referred, reported,

A bill to be entitled an act to give to the Inferior Courts of the different counties of this State power to appoint some fit and proper person to receive and receipt for the amount of money their respective counties may be entitled to under the act to provide for the education of the children of this State, assented to Dec. 11th, 1858, when the Ordinary of said counties, refuses or neglects to give bond in terms of the law, as a substitute in lieu of the original.

The report was agreed to, the Bill was read the third time and passed.

The Senate took up as the report of the Committee of the whole :

A bill to be entitled an act to prevent the sale of spiritu-

ous liquors in the town of Fayetteville, only on certain conditions.

Mr. Denham, offered as a substitute in lieu of the original bill,

A bill to be entitled an act to prevent the sale of spirituous liquors in the town of Fayetteville, within one half mile of the Court House.

The report as amended was agreed to, the bill was read the third time and passed.

Mr. Oliver, moved that when the Senate adjourn it meet again this day at 3 o'clock, P. M., which was agreed to.

The hour having arrived for the Senate to adjourn the President adjourned the Senate until 3 o'clock P. M.

THREE O'CLOCK, P. M.

The Senate met according to adjournment.

The Senate took up the following bills of the House of Representatives, which were read the first time, to wit:

A bill to be entitled an act to compensate witnesses residing within the various militia districts of this State.

Also, a bill to be entitled an act to incorporate the Bainbridge and Florida Railroad company.

Mr. Harris of Dougherty, from the committee on enrollment, reports as duly enrolled, signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate :

An act to change the lines between the counties of Hall and Banks.

Also, an act for the relief of William P. Redwine of the county of Fayette.

Also, an act to repeal so much of an act entitled an act to extend the corporate limits of the town of Hamilton in the county of Harris, and other places therein named and to incorporate the town of Trenton in Cade county, approved February 18th, 1854, as relates to the incorporation of the town of Trenton, and to provide for the working and keeping in repair the streets in the town of Trenton,

Also, an act authorizing the Inferior Court of the county of Murray to increase the tax for the said county, and for other purposes.

Also, an act to authorize the Inferior Court of Pierce

county to assess an extra tax for the purpose of building a Jail.

The Senate took up the following bills of the House of Representatives which were read the first time.

A bill to be entitled an act to authorize the Inferior court of Ware county to assess an extra tax for the purpose of building a Court House in said county.

Also a bill to be entitled an act to consolidate the offices of Tax Receiver and Collector of Wilcox county.

Also a bill to be entitled an act for the purpose of changing the times of holding the Inferior Court of Terrell county.

Also, a bill to be entitled an act to authorize and require the Ordinary of Warren county to pay Miss Harriet L. Dennis the sum of eighty seven dollars and six cents out of any school fund in his hands for educational purposes.

Also, a bill to be entitled an act to amend the Road laws of said State, approved the 19th day of December, 1818, and to punish persons for violating the same.

Mr. Harris of Dougherty from the committee on enrollment, reports as duly enrolled and ready for the signature of the President of the Senate, an act for the relief of Amy Clark from certain disabilities therein mentioned.

The Senate took up the following bills of the House of Representatives, which were severally read the first time.

A bill to be entitled an act to incorporate the Bainbridge Volunteers, and to confer certain privileges upon the same.

Also, a bill to be entitled an act to add an additional section to the twelfth division of the Penal Code of this State.

Also, a bill to be entitled an act to amend an act passed by the General Assembly for the year 1857, granting certain powers and privileges, to the Griffin Light Guards of the city of Griffin, Spalding county, Georgia, assented to December 22d, 1857.

Also, a bill to be entitled an act to provide for the admission in evidence of copy plat and grants.

Also, a bill to be entitled an act, to incorporate Etowah Lodge, No. 222, of Free and Accepted Masons at Dawsonville, in Dawson county.

Also, a bill to be entitled an act to give to endorsers the control of fi fas and judgments against their principals and prior endorsers in all cases in which the fi fas or judgments have heretofore been, or may hereafter be paid by such endorsers.

Also, a bill to be entitled an act to authorize the Judges of the Superior courts of this State to allow special and

petit jurors refreshments in certain cases therein mentioned.

Also, a bill to be entitled an act to allow additional compensation to the Sheriffs of Hall, Cass and Dade counties.

Also a bill to be entitled an act to abolish the public execution of criminals condemned to death by the laws of Georgia upon certain conditions, &c., and to provide for their execution in private.

Also, a bill to be entitled an act, to allow Stephen Williams, of Pierce county and John Taylor of Ware county to peddle in the First Congressional District without paying license for the same.

Also, a bill to be entitled an act to reduce the Sheriffs bond of Dooly county from twenty thousand to then thousand dollars.

Also, a bill to be entitled an act to incorporate Herman Lodge, No. 189, of Free and Accepted Masons, and for other purposes therein mentioned.

Also, a bill to be entitled an act to incorporate an Insurance company in the city of Columbus, to be called the Georgia Home in Insurance Company.

Also, a bill to be entitled an act to incorporate the town of Dawsonville, in the county of Dawson in this State, and for other purposes.

Also, a bill to be entitled an act, to add an additional section to the act incorporating the town of Dahlonga, in the county of Lumpkin.

Also, a bill to be entitled an act, to prohibit the post mortem manumission of slaves.

Also, bill to be entitled an act, to change the name of the Montrose Manufacturing company of Sparta, Hancock county to that of the Montour Manufacturing company, and for other purposes.

Also, a bill to be entitled an act to incorporate the town of Hawkinsville, in the county of Pulaski, to appoint commissioners for the same, and to confer certain powers upon said commissioners.

Also, a bill to be entitled an act to add an additional section to the 1st division of the Penal Code of this State.

Also, a bill to be entitled an act to revise, alter and amend an act entitled an act, to appoint Trustees for the Jackson county Academy, and to incorporate the same, assented to the 20th November, 1818, and for other purposes therein expressed.

Also, a bill to be entitled an act, to empower Ex-Judges of the Superior courts to sign bills of exceptions in certain cases.

Also, a bill to be entitled an act to repeal an act to regulate the Tavern license of this State approved December

15th, 1809, so far as the same relates to the county of Wilcox.

Also, a bill to be entitled an act to regulate the practice of the Superior courts of this State in certain cases, and for other purposes.

Also, a bill to be entitled an act for the relief of the estate of Robt. Bradford deceased, and Samuel Moffat and Robt. H. Bradford, Executors of the same.

Also, a bill to be entitled an act, to relieve certain persons in McIntosh county, from jury duty.

Mr. Harris of Dougherty, from the committee on enrollment, reports as duly enrolled, signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate, the following acts.

An act for the relief of Teachers of poor children in Muscogee county in the year 1853.

Also, an act to change the lines between the counties of Coffee and Irwin.

Also, an act fixing the time of holding the Inferior Courts in the county of Coffee.

Also an act to provide for the compensation of Sheriffs for the summoning of Grand and Petit Jurors in the county of Dougherty, and to levy a Tax for the same.

The Senate took up the following bills of the House of Representatives, which were severally read the first time.

A bill to be entitled an act for the relief of Reuben Cloud of Decatur county.

Also, a bill to be entitled an act to amend an act entitled an act for the better regulating fences in the Province of Georgia, approved March 7th, 1759.

Also, a bill to be entitled an act, to incorporate the Floyd Cavalry company, and for other purposes.

Also, a bill to be entitled an act to reduce the rates of freight on lime, salt, Guano, and all other fertilizers carried over the Western and Atlantic Railroad, where the same are to be used exclusively for Agricultural purposes.

Also, a bill to be entitled an act to incorporate the Eatonton and Madison, Railroad.

Also, a bill to be entitled an act, to incorporate the Etowah and Auraria Hydraulic Hose Mining company.

Also, a bill to be entitled an act to incorporate the town Thomson, in the county of Columbia, &c.

Also, a bill to be entitled an act to incorporate the town of Bowden in the county of Carroll, and for other purposes therein mentioned.

Also, a bill to be entitled an act to protect the legacy left by the last will and testament of William D. Martin de-

ceased, for the benefit of the society at Jefferson Jackson county, Georgia, of the Methodist Episcopal Church South, and for other purposes.

Also, a bill to be entitled an act, to repeal an act amendatory of the tenth section of the tenth division of the Penal Code of Georgia, and for other purposes.

Also a bill to be entitled an act to amend the laws in relation to the foreclosure of Mortgages on real property, and the sale thereof and to prescribe a form for all Mortgages, and for other purposes therein mentioned.

Also, a bill to be entitled an act to provide for the biennial election of the principal teacher of the Georgia Institution for the Deaf and Dumb, and for other purposes.

Also a bill to be entitled an act for the relief of John W Cardwell of the county of Morgan, and Tomlinson Fort of the county of Baldwin, and for other purposes.

Also, a bill to be entitled an act to add a part of Montgomery county to Laurens county.

Also, a bill to be entitled an act authorizing the Inferior court of Schley county to levy an extra tax for county purposes.

Mr. Harris of Dougherty, from the committee on enrollment, reports as duly enrolled and ready for the signature of the President of the Senate, the following acts to wit:

An act for the relief of the securities of George F. Wing, former Tax Collector of McIntosh county.

Also, an act to legalize the holding of Carrol Superior court at its last term, to make valid the proceedings of said court.

Also, an act to incorporate the town of Ellaville in Schley county.

Also, an act to amend an act, entitled an act to incorporate the Savannah, Griffin and North Alabama Railroad company, assented to on the 11th day of February 1854, and to repeal sections 7, 8 and 9 of said act, and to substitute two additional sections in lieu thereof.

Also, an act to authorize the Mayor and Council of the city of Atlanta to take possession of the enclosed ground lying between the General Passenger Depot and Decatur street and the Atlanta Hotel and Loyd street, in the city of Atlanta, for the purpose of beautifying and ornamenting the same to be used as a Railroad Park.

Also, an act to repeal the 7th section of an act entitled an act to incorporate and grant certain privileges and powers to the Newnan Guards in the town of Newnan, Coweta county, and for other purposes herein mentioned, and to repeal the 4th section of an act to regulate the compensation of jurors of Jefferson county, and for other purposes herein mentioned.

Mr. Paine from the committee on enrollment, reports as duly enrolled and ready for the signature of the President of the Senate,

A Joint resolution in relation to the Branch Mint at Dahlonega.

The Senate took up the following bills of the House of Representatives, which were severally read the first time.

A bill to be entitled an act to charter the Port Royal Railroad company.

Also, a bill to be entitled an act to amend the charter of the town of Washington, in Wilkes county.

Also, a bill to be entitled an act to amend the act establishing the Supreme court of Georgia.

Also, a bill to be entitled an act to incorporate a Mining company in Carrol county and in other counties in the State of Georgia.

Also, a bill to be entitled an act to prescribe the duty of the Judge of the Superior Court of the county of Stewart in relation to petit jurors of said court, and for other purposes.

Also, a bill to be entitled an act to require securities and endorsers when they give notice to do so in writing.

Also, a bill to be entitled an act to authorize the Inferior court of the county of Tatnall to levy an extra tax for county purposes.

Also a bill to be entitled an act to reduce work on roads in the county of Wilcox.

Also, a bill to be entitled an act to prescribe the time of holding elections for members of the Senate in the Congress of the United States from the State of Georgia.

Also, a bill to be entitled an act, so to amend the Judiciary act of this State, approved the 16th day of February, 1799, as to require the several Clerks of the Superior, Inferior and corporation courts of the county of Richmond in this State, to enter all appeals of causes tried in any of said courts in a separate book, to be provided for that purpose.

Also, a bill to be entitled an act to allow and make compensation to the Reporter of the Supreme court for certain volumes of the Decisions of said court furnished by him under the provisions of the act of 1845.

Also, a bill to be entitled an act to authorize the Administrators of Wm. Q. Anderson deceased, and of Thos. Tarver deceased, to sell the real estate belonging to the said estate, and for other purposes.

Also, a bill to be entitled an act to regulate the fees of Jnrors in Justices courts in the counties of Catoosa and Dade.

Also, a bill to be entitled an act to change the time of holding the election for county officers in this State.

Also, a bill to be entitled an act to change the the lines between the counties of Appling and Coffee.

Also, a bill to be entitled an act for the relief of Mary Frances Newnar of the county of Bibb, and for other purposes.

Also, a bill to be entitled an act to alter and amend the road laws of this State, so far as relates to the counties of Cherokee and Columbia.

Also, a bill to be entitled an act to amend an act entitled an act, to incorporate Yahoola River and Cane Creek Hydraulic Hose Mining Company, assented to 11th December, 1858.

Also, a bill to be entitled an act to incorporate Georgetown of Quitman county, also, to define the boundary of said incorporation, and to appoint the persons therein named commissioners of said town, and to confer certain powers upon said commissioners and their successors in office.

Also, a bill to be entitled an act for the relief of J. E. McMullin of Echols county.

Also, a bill to be entitled an act to repeal an act to amend the road laws of this State, so far as relates to the county of Coffee.

Also, a bill to be entitled an act to authorize Samuel Irvin of the county of Clayton, to practice medicine.

Also, a bill to be entitled an act to attach lots of land No's. 54 and 55, in the 7th District of Randolph to the county of Clay.

Also, a bill to be entitled an act to provide for the probating of Wills by commission, from the Ordinary with Interrogatories attached and to make it lawful for the Ordinaries of this State, to grant commission to take testimony by interrogatories in any cause that may be pending in said Courts of Ordinary, under the same restrictions, terms and conditions as are now prescribed by law for the taking of testimony by commission in the Superior and Inferior Courts of this State, and for other purposes therein mentioned.

Also, a bill to be entitled an act to make Justices of the Peace in the several Militia Districts in the county of Jasper, ex-officio road and Patrol Commissioners.

Mr. Morris, moved to suspend the rules for the purpose of introducing a resolution, which was agreed to.

Mr. Morris offered the following resolution which was taken up, read and agreed to.

Resolved, That the Senator from Lumpkin be added to the committee on the Lunatic Asylum.

Mr. Cone chairman of the committee on the Military made the following report.

The Military Committee to whom was referred a resolution requesting our Representatives in Congress, to use their influence to procure the passage of a law pensioning the Officers and Soldiers of the war of 1812, have had the same under consideration and report it back to the Senate and recommend that said resolution be not adopted.

Mr. McGehee, introduced

A bill to be entitled an act to extend the corporate limits of the town of Hamilton in Harris county, and to create and give additional powers to the corporate authorities of said town, which was read the first time.

Mr. Guerry, introduced

A bill to be entitled an act to legalize the adjournment of Quitman Superior Court, which was read the first time.

Mr. Byers, introduced

A bill to be entitled an act to amend an act entitled an act, to incorporate the Indian Spring Railroad Company, approved Jan. 22d, 1852, which was read the first time.

Also, a bill to be entitled an act to change the line of Butts and Henry counties, which was read the first time.

On motion of Mr. Cook the Senate adjourned until 9 o'clock, to-morrow morning.

WEDNESDAY MORNING, NOV 23rd, 1859,

Senate met according to adjournment.

Mr. Lawton moved to reconsider so much of the Journal of yesterday as relates to a bill to be entitled an act to aid the citizens of Georgia, in the construction of Railroads in this State, upon the conditions and limitations therein specified.

Mr. King called for the previous question, and upon the question shall the previous question be seconded, the yeas and nays were recorded, and were yeas 63, nays 49.

Those who voted in the affirmative were Messrs.

Alred, Atkinson, Barclay, Byars, Cannon, Carter of Echols, Chester, Cloud, Collier, Cowen, Davis, Donaldson, Gartrell, Green, Grice, Harris of Dougherty, Harris of Worth, Hightower, Hyde, Ivey, Jamison, Johnson of Clayton, Jordan, King, Kirby, Lamar, Lenoir, Lott, Maddox, Maples, Mathews, Merrill, McDuffie, McGehee, McLeod, McRea, Moore of Laurens, Moore of Whitfield, Morris, Poole, Printup, Pruitt, Quillian, Riley, Ritch, Robinson, Roberts, Seward, Shelton, Shellnut, Sirman, Snell, Stow-

ers, Summerour, Sweat, Tatum, Tracy, Wells, Whitworth, Williams of Berrien, Williams of Rabun, Wilson, Young.

Those who voted in the negative were Messrs :

Barrow, Bartlett, Billups, Boggs, Bond, Briscoe, Burnett, Cooper, Cook, Cone, Crittenden, Delaperriere, Denham, Evens, Flewellen, Glover, Grice, Griffin of Brooks, Griffin of Twiggs, Hackett, Hall, Hart, Harvin, Head, Hill of Sumpter, Hill of Wilkes, Hines, Hitchcock, Holt, Jones, Lawton, Lockhart, Oliver, Paine, Reid of Morgan, Reid of Taliaferro, Rushin, Sawyer, Sheppard, Smith of Hancock, Spalding, Sturges, Tarver, Trippe, Usry, Walker, Ward, Wellborn, White, Whithurst.

So the motion prevailed.

The main question was then put, which was, shall this bill be reconsidered, upon which the yeas and nays were recorded, and were yeas 51, nays 60.

Those who voted in the affirmative were Messrs.

Barrow, Bartlett, Billups, Boggs, Bond, Briscoe, Burnett, Cloud, Cooper, Cook, Cone, Crittenden, Denham, Evans, Flewellen, Glover, Grice, Griffin of Twiggs, Hackett, Hall, Hart, Harvin, Head, Hill of Sumter, Hill of Wilkes, Hines, Hitchcock, Holt, Jones, Lawton, Lockhart, Oliver, Reid of Morgan, Reid of Taliaferro, Rushin, Sawyer, Shellnut, Sheppard, Smith of Hancock, Spalding, Sturges, Tarver, Tatum, Trippe, Usry, Walker, Ward, Wellborn, Wells, White, Whitehurst.

Those who voted in the negative were Messrs :

Allred, Atkinson, Barclay, Byars, Cannon, Carter of Echols, Chester, Collier, Cowen, Davis, Delapierre, Donaldson, Gartrell, Green, Griffin of Brooks, Harris of Dougherty, Harris of Worth, Hightower, Hyde, Ivey, Jamison, Jordan, King, Kirby, Lamar, Lenoir, Lott, Maddox, Maples, Mathews, Merrill, McDuffie, McGehee, McLeod, McRea, Moore of Laurens, Moore of Whitfield, Morris, Paine, Poole, Printup, Pruitt, Quillian, Riley, Ritch, Robinson, Roberts, Seward, Shelton, Sirman, Snell, Stowers, Summerour, Sweat, Tracy, Whitworth, Williams of Berrien, Williams of Rabun, Wilson, Young.

So the motion to reconsider did not prevail.

The following message was received from the House of Representatives by Mr. Diamond, their Clerk :

Mr. President: The House of Representatives have concurred in a Resolution of the Senate, requesting his Excellency the Governor to purchase fire arms, &c.

The following Message was received from his Excellency the Governor, by Mr. Waters, his Secretary, to-wit :

Mr. President : The Governor has signed the act entitled an Act to amend an act entitled an act, to incorporate the Savannah, Griffin, and North Alabama Railroad Company. Assented to on the 11th day of February, 1854, and to repeal sections 7, 8, and 9, of said act, and to substitute two additional sections in lieu thereof.

Leave of absence was granted to Messrs. Harris of Dougherty, Fulton, Johnson of Clayton, Griffin of Twiggs, Sawyer, Head, and Glover, for a few days on special business.

Mr. Collier moved to suspend the rules, which was agreed to.

Mr. Collier offered the following resolution, which was taken up, read, and agreed to.

Resolved, by the Senate and House of Representatives of the State of Georgia, in General Assembly met, That our Senators and Representatives in Congress are hereby requested to use their influence to have a tri-weekly mail coach route established from the city of Atlanta, to Alpharetta, in the county of Milton, Cumming, in the county of Forsyth, Dawsonville, in the county of Dawson, Dahlonega, in the county of Lumpkin, and also a tri-weekly horse mail route from Dahlonega to Clarkesville, in the county of Habersham, and that his Excellency the Governor be requested to have a copy of this resolution forwarded to our delegation in Congress.

Mr. Morris offered the following resolution, which was taken up, read and agreed to.

Resolved, That from and after the 25th inst., the time of the meeting of the Senate shall be 9 ½ o'clock, A. M., and 3 o'clock, P. M., and the time of adjournment shall be 1 o'clock P. M., until 5 o'clock, P. M., until further ordered by the Senate.

The Senate took up the following bills of the House of Representatives, which was read the second time.

A bill to be entitled an act to authorize the administrator of William J. Anderson, deceased, and Thomas Favor, deceased, to sell the real estate belonging to the said estate and for other purposes.

Mr. Sawyer, introduced,

A bill to be entitled an act for the relief of James Brooks, and John H. Jones, of Randolph county.

Which was read the first time.

Mr. Alexander moved that two hundred copies of the evidence in the case of the State against John Fundy, be printed for the use of the Senate, which was agreed to.

The following Message was received from his Excellency the Governor, by Mr. Waters, his Secretary, to wit :

Mr. President : I am requested by his Excellency the Governor, to lay before this branch of the General Assembly, a communication in writing, together with the bill to which it refers.

Mr. Fulton, chairman of the committee on Public Education and free schools, introduced,

A bill to be entitled an act to alter and amend an act to provide for the education of the children of this State, between certain ages, and to provide an annual sinking fund for the extinguishment of the public debt, assented to Dec. 11th, 1858.

Mr. Lawton, chairman of the committee on the Judiciary, made the following report :

The Judiciary committee have had under consideration the bill referred to them, to be entitled an act to amend the 13th division of the Penal Code, increasing the penalty for selling and furnishing slaves with intoxicating liquor, and report the same back to the Senate, and recommend its passage.

Also, a bill to be entitled an act to authorize Plaintiffs to hold to bail in cases sounding in damages, without first procuring an order for that purpose, and report the same back to the Senate, and recommend that it do not pass.

Also, a bill to be entitled an act to make valid all letters of administration heretofore granted, and report the same back to the Senate with amendments, and recommend its passage.

Also, a bill to be entitled an act to change the time of holding the general elections in this State, and report the same back to the Senate, and recommend that it do pass.

Also, a bill to be entitled an act to authorize and require Clerks of the Superior Courts to take administration of estates, in certain cases, and report the same back to the Senate with a recommendation that it pass.

Also, a bill to be entitled an act to compensate commissioners for taking interrogatories, and to provide for the payment of witnesses, examined before them, and recommend the passage of a substitute in lieu of the original bill.

Also, a bill to be entitled an act to amend the Judiciary act of this State, and to direct the manner of making Trustees parties Plaintiffs or Defendants in all suits or actions now

pending, or may hereafter exist in the several Courts of this State, and recommend that the same do pass.

Also, a bill to be entitled an act to give the election of Treasurer of the county of Forsyth to the people, and recommend its passage.

Also a bill to be entitled an act to constitute and declare Margaret Marshall Barclay, the adopted daughter of Mary M. Marshall, of the county of Chatham, the heir of the said Mary M. Marshall, and to enable her to inherit the property of the said Mary M. Marshall, and for other purposes, and recommend that the same do pass.

Also, a bill to be entitled an act to revise the Jury system of this State to abolish appeals and petit jury trials to regulate continuances to declare who are liable to serve as jurors, to provide a mode for striking special juries, to expedite litigation in the Superior Courts of this State, and for other purposes therein mentioned, and report the same back to the Senate with amendments, and recommend its passage.

A. R. LAWTON, Chairman.

Mr. Johnson of Clayton, chairman of the committee on new counties and county lines, made the following report :

The committee on new counties and county lines have had under consideration the bill referred to them, to be entitled an act to define the line between the county of Early and Clay, and report the same back to the Senate with an amendment, and recommend its passage.

Also, a bill to be entitled an act to lay out and organize a new county from the county of Decatur, and report the same back to the Senate, and recommend that the same do pass.

J. F. JOHNSON, Chairman.

The hour of adjournment having arrived, the President adjourned the Senate until 9 o'clock, to-morrow morning.

THURSDAY MORNING, NOV 24th, 1859.

Senate met, according to adjournment.

On motion of Mr. Hart, the Senate adjourned until 9 o'clock, to-morrow morning.

FRIDAY MORNING, NOV 25th, 1859.

The Senate met, according to adjournment.

On motion of Mr. Holt, the rules were suspended, for the purpose of introducing bills ; which was agreed to.

Mr. Holt introduced,

A bill, to be entitled an act to repeal a part of the first section of the third article of the Constitution ; which was read the first time.

Also a bill, to be entitled an act to alter and amend the first section of the third article of the Constitution, as to the place or places of the setting of the Supreme Court of this State ; which was read the first time.

Mr. Johnston, of Cass, introduced.

A bill, to be entitled an act to amend the several acts incorporating the town of Cartersville, in Cass county, so as to exclude the residence of James Milner, out of the corporate limits of said town ; which was read the first time.

Also a bill, to be entitled an act to amend an act limiting the time in which suits, in the Courts of law, in this State, must be brought, and also limiting the time in which indictments are to be found and prosecuted, in certain cases, and for other purposes therein mentioned ; which was read the first time.

Also, a bill, to be entitled an act to consolidate and amend the several acts incorporating the town of Cartersville, in the county of Cass ; which was read the first time.

Mr. Lott introduced,

A bill, to be entitled an act to authorize the Justices of the Inferior Court of Coffee county, to levy an extra tax ; which was read the first time.

On motion of Mr. Cone, the rules were suspended, and the following message from His Excellency the Governor, previously received, was taken up and read :

EXECUTIVE DEPARTMENT, }
MILLEDGEVILLE, Nov. 23d, 1859. }

To the Senate : I herewith return the bill, to be entitled an act for the relief of Amy Clark, without my sanction.

The law of this State prohibits the party, whose improper or criminal conduct authorizes a total divorce, from marrying again, during the life of the other party. This law would seem to be founded in sound policy, as it removes from parties in married life, all inducement to procure divorces by collusion. Were the guilty party permitted to marry again, it would be in the power of husband and wife, at any time when they might desire it, to dissolve the marriage relation, by a private understanding between them,

that one of them should commit an act which by law, would entitle the other to a divorce, which would be equally agreeable to both parties when obtained. If the law is founded in sound policy, it ought to be enforced, if not, it ought to be repealed.

This character of individual legislation, which takes up the time of the Legislature, in attempts to modify and bend wholesome rules of law to fit particular cases, and which destroys in the minds of those who violate the law, the idea that they must certainly suffer its penalties, is mischievous in its tendencies, and ought not to be encouraged. The presumption is, that Mrs. Clark was the guilty party in this case, or the Court would not have granted her husband a divorce. Before this could be done, the law required that he have the concurrent verdicts of two special Juries in his favor. I cannot presume, that two such Juries, in the county of Baker, would have found for the Plaintiff, had he failed to make out his case against the Defendant; or had it been shown that her desertion of her husband had been caused by his cruel or improper conduct. I see no sufficient reason, therefore, why this case should form an exception to the general rule. It has been suggested, that Mrs. Clark has already married again, under a misapprehension of the facts, as she had heard, soon after the adjournment of the last session of the Legislature, that an act had been passed, giving her this right. This can be no reason why the relief sought through this bill should be granted, as it was the duty of the parties to have known the facts before taking a step so important, and a failure to inform themselves, was culpable negligence, for which there is no just excuse.

The act passed for her relief, at the last session of the Legislature, was disapproved by the Governor, and that fact was made known through the public Press, immediately.—Therefore, there could not have been an innocent mistake, in relation to the fact. The right to marry again, was denied her at the last session.

She acted without regard to that denial, and now she asks the Legislature to relieve her from the consequences of that rash and hasty act. Both upon principle, and with a view to the conduct of the applicant, I feel it my duty to withhold my sanction from this bill.

• JOSEPH E. BROWN.

Mr. Billups moved to suspend the rules, for the purpose of offering a resolution; which was agreed to.

Mr. Billups offered the following resolution, which was taken up, read and agreed to.

Resolved, That the joint committee, appointed to make arrangements for a suitable observance of Thanksgiving

Day, be requested to convey to the Rev. Dr. Higgins, the thanks of the General Assembly, for the very appropriate, impressive, and eloquent discourse, pronounced by him on that occasion, and to solicit the same for publication.

Resolved, further, that 500 copies of said discourse be printed, for the use of the General Assembly.

Mr. Billups moved that the Secretary be directed to transmit said resolution, forthwith, to the House of Representatives; which was agreed to.

Mr. Hutchins moved further to suspend the rules, for the purpose of taking up a resolution previously offered by him.

The following resolution was taken up, read and agreed to:

Resolved, That a committee of three be appointed by this branch of the General Assembly, to join such committee as may be appointed by the House of Representatives, to take into consideration the propriety and necessity of establishing, at some suitable place in this State, an armory for the manufacture of ordnance and other arms, suitable for the equipment and arming of an effective volunteer and militia force, in this State, and that said committee report, by bill, or otherwise.

The President appointed as said committee, Messrs. Hutchins, Cone and Holt.

On motion of Mr. Hutchins, the Secretary was directed to transmit said resolution, forthwith, to the House of Representatives.

On motion, of Mr. Hill, of Wilkes, the rules were further suspended, for the purpose of reading a bill of the House of Representatives, the third time.

The Senate took up, as the report of the Committee of the Whole, the following bill, of the House of Representatives, to wit:

A bill, to be entitled an act to authorize the Administrator of William Q. Anderson, deceased, and of Thomas Favor, deceased, to sell the real estate of said deceased, and for other purposes.

Mr. Hill, of Wilkes, moved to amend the report, by inserting the following: Either on the first Tuesday in December, or the first Tuesday in January next; which was agreed to.

The report as amended, was agreed to.

The bill was read the third time and passed.

Mr. Cannon, from the committee on consolidation, made the following report:

The committee on consolidation beg leave to report a substitute for a number of bills, changing county lines.

Also, a substitute for a number of bills, compensating Juries.

H. A. CANNON, *Chairman*,

Mr. Collier, Chairman of the committee on Banks, made the following report :

The committee on Banks have had under consideration :

A bill to be entitled an act to extend the charter of the Planter's Bank of the State of Georgia, and have directed me to report the same back to the Senate, and recommend that said bill do pass.

Also a bill, to be entitled an act to incorporate a Bank in the city of Rome, to be called the Bank of Rome, and beg leave to report a substitute for said bill, and recommend that the same do pass.

JOHN COLLIER, *Chairman*.

On motion of Mr. Harris, the Senate took up the following bill, which had been vetoed by His Excellency the Governor, to wit :

A bill, to be entitled an act for the relief of Amy Clark, from certain disabilities therein mentioned ; upon the passage of which, the yeas and nays were recorded, and were yeas 97, nays 10.

Those who voted in the affirmative were Messrs.

Alexander, Allred, Atkinson, Barclay, Barrow, Bartlett, Batts, Billups, Boggs, Bond, Briscoe, Brown, Burnett, Byars, Cannon, Carter, of Echols, Carter, of Elbert, Chester, Cloud, Collier, Cook, Crittenden, Davis, Denham, Donaldson, Evans, Flewellen, Gartrell, Green, Grice, Griffin, of Brooks, Hackett, Hart, Harris, of Worth, Harvin, Hightower, Hill, of Sumter, Hill, of Wilkes, Hines, Holt, Hutchins, Hyde, Ivey, Jamison, Johnson, of Cass, Kirby, Lamar, Lawton, Lenoir, Lockhart, Lott, Maples, Matthews, Merrill, McDuffie, McGehee, McLeod, McRae, Moore, of Laurens, Moore, of Whitfield, Morris, Paine, Poole, Printup, Pruitt, Quillian, Reid of Taliaferro, Riley, Ritch, Robinson, Roberts, Rushin, Seward, Shelton, Shellnut, Sheppard, Sirman, Smith, of Hancock, Smith, of Talbot, Snell, Spalding, Stowers, Summerour, Sweat, Tarver, Tatum, Usry, Walker, Ward, Wellborn, Wells, White, Whitworth, Williams, of Berrien, Williams, of Terrell, Wynne, Young.

Those who voted in the negative, were Messrs.

Cooper, Cone, Cowen, Griffin, of Twiggs, Hall, Hitchcock, Jones, Oliver, Sturges, Williams, of Rabun.

So the bill was passed, by a Constitutional majority.

The Senate took up, as the report of the Committee of the Whole,

A bill, to be entitled an act to change the time of holding the general Elections in this State, and for other purposes.

The report was agreed to, the bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole,

A bill, to be entitled an act to extend the charter of the Planter's Bank of the State of Georgia.

The report was agreed to the bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole,

A bill, to be entitled an act to make valid all letters of Administration, heretofore granted by the Courts of Ordinary, of this State, when written notice of such application has not been given at the Court House door, of said county, as required by law.

The committee on the Judiciary, to whom said bill was referred, offered the following section as an amendment, in lieu of the first section of said bill, which was agreed to, to-wit :

That letters of Administration granted in this State, shall be held good and valid, though notice of application for the same may not have been given at the Court House door, as required by the act of 1799, provided the law has been complied with in other respects.

The report as amended, was agreed to, the bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole,

A bill, to be entitled an act to incorporate a Bank, to be located in the city of Rome, to be called the Bank of Rome.

The committee on Banks, to whom said bill was referred, reported the following as a substitute, in lieu of the original bill, to wit :

A bill, to be entitled an act to incorporate a Bank, to be located in the city of Rome, to be called the Bank of Rome.

Mr. Seward moved to amend the report, by adding the following to the twelfth section : And that the same personal liability of the stockholders, as provided in this section, shall be applicable to the Timber Cutter's Bank, and to the same extent, and no further.

Also, to amend the caption of said bill, by adding the following words thereto : And to amend the charter of the Timber Cutter's Bank, which was agreed to.

Mr. Hall moved further to amend the report, by adding the following additional section.

Be it further enacted, should the President, or any one or more of the Directors of said Bank, or any other officer of the same, knowingly and wilfully be guilty of a violation of any one, or all of the provisions hereinbefore provided, in this charter, such person or persons, so violating the provision or provisions of said charter, shall be guilty of a misdemeanor, and on indictment and conviction thereof, shall be imprisoned in the Penitentiary for a term not less than two nor more than ten years, at the discretion of the Court.

Mr. McGehee moved the previous question, which being seconded, the main question was ordered to be put, which was, shall the amendment be agreed to ?

Upon which the yeas and nays were recorded, and were yeas 27, nays 75.

Those who voted in the affirmative, were Messrs.

Barelay, Bartlett, Bond, Byars, Cowen, Davis, Denham, Evans, Griffin, of Twiggs, Hall, Haven, Hyde, Ivey, Maples, Merrill, Reid, of Morgan, Reid, of Taliaferro, Robinson, Rushin, Shellnut, Sheppard, Sirman, Walker, White, Whitworth, Williams, of Rabun, Wilson.

Those who voted in the negative, were Messrs.

Alexander, Allred, Atkinson, Barrow, Batts, Billups, Boggs, Briscoe, Brown, Burnett, Cannon, Carter, of Echols, Chester, Cloud, Collier, Cooper, Cook, Cone, Crittenden, Donaldson, Flewellen, Gartrell, Green, Grice, Griffin, of Brooks, Hackett, Hart, Harris of Worth, Hightower, Hill, of Sumter, Hill, of Wilkes, Hitchcock, Holt, Hutchins, Jamison, Johnson, of Cass, Jones, Kirby, Lamar, Lawton, Lenoir, Lockhart, Lott, Matthews, McDuffie, McGehee, McLeod, McRae, Moore of Laurens, Moore of Whitfield, Morris, Oliver, Printup, Pruitt, Quillian, Riley, Ritch, Rob-Sewart, Shelton, Smith of Hancock, Smith, of Talbot, Snell, Stowers, Sturges, Tarver, Tatum, Tracy, Trippe, Usry, Ward, Wellborn, Williams, of Berrien, Williams, of Terrell, Wynne, Young.

So the amendment was lost.

The report as amended was agreed, to the bill was read the third time and passed.

Mr. Smith, of Hancock, moved that when the Senate adjourn, it meet again this day, at 3 o'clock, P. M., for the purpose of reading bills of the House of Representatives the first and second time, and Senate bills the second time; which was agreed to.

Leave of absence was granted to Messrs. Sturges, Whitehurst, Reid, of Morgan, Cook, Holt and Maddox, for a few days on special business.

The following message was received from the House of Representatives, by Mr. Diamond, their Clerk :

Mr. President: I am directed by the House of Representatives, to inform the Senate, that they have passed the following bills, to wit:

A bill, to be entitled an act to incorporate the town of Blackshear, in Pierce county, and to confer upon the citizens of said town, certain privileges therein mentioned.

A bill to incorporate the Richmond Fire Company, No. 7, and for other purposes.

A bill, to amend an act defining the liability of Railroad Companies, in this State, for injury to persons or property, and other purposes.

A bill, for the relief of Virginia Louise Howell, of Hancock county.

A bill, to alter and amend the charter of the Gulf and Atlantic Railroad Company, and to locate the West end of said Road.

A bill, for the relief of John C. Carpenter, late Tax Collector, of Montgomery county.

A bill, for the relief of Wilson W Poe, of Early county.

A bill, to exempt from taxation, one acre of land in Montgomery county, as the burial place of George M. Troup, deceased, and to constitute the Justices of the Inferior Court, Trustees for the protection thereof.

A bill to amend the first section of an act to add an additional section to the tenth Division of the Penal Code, and for other purposes, assented to, 21st December, 1857.

A bill, to consolidate the offices of Clerk of the Superior and Inferior Courts of Hall and Dade counties,

A bill, to amend an act to authorize the issuing of attachments and garnishments, and to regulate the proceedings in relation to the same, and for other purposes, approved March 4th, 1856, and to extend the provisions of the same.

A bill, to incorporate the Baltimore and Savannah Steamship Company.

A bill, to amend an act incorporating the Madison Presbyterian Church, so far as relates to the filling of vacancies of Trustees. assented to 7th December, 1851.

A bill, to confer certain powers upon the Judge of the City Court, of Savannah, and for other purposes therein mentioned.

Mr. Briscoe, of Baldwin, from the committee on Enrollment, reported as duly enrolled, and ready for the signature

of the President of the Senate, the following resolutions, to-wit:

A resolution, requesting His Excellency the Governor to purchase fire arms.

Also, a joint resolution, in relation to the branch Mint, at Dahlonega.

The following message was received from His Excellency the Governor, by Mr. Waters, his Secretary, to wit:

Mr. President: The Governor has signed the following bills, to wit:

A bill, to authorize the Mayor and Council of the city of Atlanta, to take possession of the enclosed ground lying between the general passenger Depot and Decatur Street, and the Atlanta Hotel and Loyd's Street, in the city of Atlanta, for the purpose of beautifying and ornamenting the same, to be used as a Railroad Park.

A bill to incorporate the town of Ellaville, in Schley county.

A bill, to legalize the holding of Carroll Superior Court, at its last term, and to make valid the proceedings of said Court.

The hour of adjournment having arrived, the President adjourned the Senate, until 3 o'clock, P. M.

3 O'CLOCK, P. M.

Senate met according to adjournment.

Mr. Hackett moved to suspend the rules, for the purpose of reading a bill the second time, which was agreed to.

The Senate took up the following bill, which was read the second time, and referred to the Committee of the Whole.

A bill, to be entitled an act to authorize the Ordinary of Habersham county, to perform certain duties.

Mr. Pruitt moved, further to suspend the rules, for the purpose of introducing a bill.

Mr. Pruitt introduced,

A bill, to be entitled an act to incorporate the county site of Banks, and appoint Commissioners for the same, and for other purposes therein specified; which was read the first time.

Mr. Maples introduced,

A bill, to be entitled an act to provide compensation for

the Petit Jurors of Mitchell county, and for other purposes; which was read the first time.

Mr. Collier introduced,

A bill, to be entitled an act to repeal the second section of an act entitled an act to repeal the nineteenth section of an act to incorporate a Bank, in the city of Atlanta, to be called the Bank of Fulton, and for other purpose therein named, assented to 11th day of December 1858; which was read the first time.

Mr. Johnson, of Clayton, introduced,

A bill to be entitled an act to incorporate a corps of Infantry, in the town of Jonesboro, in the county of Clayton, to be known as the Clayton Volunteers, and to confer certain privileges; which was read the first time.

Mr. Lawton introduced,

A bill to be entitled an act to amend the act to organize a Volunteer Battallion, in the city of Savannah, to be called the Independent Volunteer Battallion, of Savannah, approved January 20th, 1852; which was read the first time.

Also a bill to be entitled an act to extend the civil jurisdiction of the Justices of the Peace in that part of the county of Chatham embraced within the city of Savannah; which was read the first time.

Mr. Oliver moved to further suspend the rules, for the purpose of taking up a bill for a second reading; which was agreed to.

The Senate took up the following bill which was read the second time and referred to the committee of the Whole:

A bill, to be entitled an act to change and fix the time of holding the Superior Courts in the counties of Heard, Carroll, Haralson, and Polk, also to change the time of holding the Inferior Courts, in the county of Heard.

On motion of Mr. Lawton, leave of absence was granted Fred. H. West, Secretary of the Senate, for a few days, and James A. Pringle, the present Assistant Secretary, was appointed Secretary, *pro tem*.

The following message was received from the House of Representatives, by Mr. Diamond, their Clerk.

Mr President: The House of Representatives have concurred in a resolution of the Senate, to appoint a committee to join such committee as may be appointed on the part of the House, to take into consideration the propriety of establishing an Armory, in this State; and have appointed as said committee, on the part of the House of Representatives, Messrs. Lester, Ely, Brown, of Sumter, Hardin, and McWhorter.

Mr. Lawton, Chairman of the Committee on the Judiciary, made the following report :

The committee on the Judiciary have had under consideration, a bill referred to them, to be entitled an act to provide for the voluntary enslavement of free persons of color, within this State.

Also a bill, to be entitled an act to compel free persons of color to leave the State, and for other purposes; and report them back to the Senate, with a substitute, and recommend that the substitute do pass.

Also a bill, to be entitled an act to alter and amend an act entitled an act, to point out the mode for the collection of rents, approved December 16th, 1811, and for other purposes; and they report this bill back to the Senate, and recommend that it do not pass.

Also a bill, to be entitled an act to repeal the 5th section of the divorce laws of this State, assented to December 8th, 1806, and for other purposes therein mentioned; and they report this bill back to the Senate, and recommend that it do not pass.

Also a bill, to be entitled an act amendatory of the Judiciary laws of this State, and for other purposes, and they report this bill back to the Senate, and recommend that it do not pass.

Also a bill, to be entitled an act to amend the divorce laws of this State, and for other purposes; and they report this bill back to the Senate and recommend that it do not pass.

Also a bill, to be entitled an act to repeal an act entitled an act to abolish imprisonment for debt, on certain conditions herein set forth, and for other purposes, approved December 11th, 1858, and to provide a summary mode for discharging debtors, when imprisoned for debt: and they report this bill back to the Senate with an amendment, and recommend its passage, with the amendment annexed thereto.

Also a bill, to be entitled an act for the relief of the securities upon the bonds of substituted Trustees, and for other purposes therein named; and they report this bill back to the Senate and recommend its passage.

Also a bill, to be entitled an act to create a new Judicial Circuit, to be called the Atlanta Circuit, to be composed of the counties of Fulton, DeKalb, Henry, Clayton, Fayette, and Gwinnett, and to add to the Coweta Circuit the counties of Coweta, Heard and Harris, and to add to the Tallapoosa Circuit the county of Paulding, and to authorize Dennis F. Hammond, the present Judge of the Tallapoosa Circuit, to serve out his present term of office, as Judge of said

Tallapoosa Circuit, and for other purposes therein mentioned; which they report back for the action of the Senate.

Also a bill, to be entitled an act to repeal all laws, under and by authority of which peddlers and itinerant traders have been permitted to pursue their occupation in this State, and to provide and impose penalties upon each and every person who may, after this act is provided to take effect, be detected in the violation of the provisions thereof, and for other purposes therein specified.

Also a bill, to be entitled an act to change and regulate the fees of the Attorneys General and Solicitors General of this State.

Also a bill, to be entitled an act to limit the lien of judgments recorded in any of the Courts of this State:

Also a bill, to be entitled an act to appropriate the fees of Solicitors General to county purposes, and to increase their salary.

Also a bill, to be entitled an act to amend an act entitled an act to limit the lien of judgments, approved 22nd February, 1852.

Also a bill, to be entitled an act to repeal an act, entitled an act to regulate the granting of new trials, approved February 20th, 1854.

Also a bill, to be entitled an act to allow the Attorney General and Solicitors General a fee in cases of peace warrants, and the committee report all these bills back to the Senate without recommendation, and beg to be discharged from further consideration of said last mentioned six bills.

The following Message was received from his Excellency the Governor, by Mr. Waters, his Secretary, to-wit :

Mr. President : The Governor has signed the Joint Resolution relative to the Branch Mint at Dahionega.

Mr. Shelton moved to suspend the rule for the purpose of introducing a bill, which was agreed to.

Mr. Shelton introduced,

A bill to be entitled an act to amend an act assented to December 13th, 1858, and for other purposes therein mentioned.

Which was read the first time.

Mr. Kirby introduced,

A bill to be entitled an act to lay out and organize a new county from the counties of Chattooga and Walker.

Which was read the first time.

The following Message was received from the House of Representatives, by Mr. Diamond their clerk.

Mr. President : The House of Representatives have concurred in the amendment of the Senate to a bill to be entitled an act to authorize the administrators of Wm. Q. Anderson,

deceased, and Thomas Favor, deceased, to sell the real property belonging to said estates, and for other purposes.

The Senate took up the following bills of the House of Representatives, which were severally read the second time and referred to the committee of the whole, to wit:

A bill to be entitled an act to provide for the admission in evidence of Copy Plat and Grants.

Also, a bill to be entitled an act to incorporate the Bainbridge and Florida Railroad company.

Also, a bill to be entitled an act to amend an act passed by the General Assembly for the year eighteen hundred and fifty-seven, granting certain powers and privileges to the Griffin Light Guard, of the city of Griffin, Spalding county, Georgia, assented to Dec. 22nd, 1857.

Also, a bill to be entitled an act to add an additional section to the twelfth division of the Penal Code of this State.

Also, a bill to be entitled an act to incorporate the Bainbridge Volunteers, and to confer certain privileges upon the same.

Also, a bill to be entitled an act to amend the road laws of said State, approved nineteenth of December, 1818, and the punish persons for violating the same.

Also, a bill to be entitled an act to allow Stephen Williams of Pierce county, and John Taylor of Ware county, to peddle in the first Congressional District, without paying license for the same.

Also, a bill to be entitled an act for the purpose of changing the time of holding the Inferior Court of Terrell county.

Also, a bill to be entitled an act to compensate witnesses residing within the various Militia Districts of this State.

Also, a bill to be entitled an act to authorize and require the Ordinary of Warren county to pay Miss Harriett L. Dennis, the sum of eighty seven dollars and sixty cents, out of any school funds in his hands, for educational purposes.

Also, a bill to be entitled an act to authorize the Inferior Court of Ware county, to assess an extra tax for the purpose of building a court house in said county.

Also, a bill to be entitled an act to consolidate the offices of Tax Receiver and Collector of Wilcox county.

Also, a bill to be entitled an act to incorporate the town of Thomson, in the county of Columbia.

Also, a bill to be entitled an act to reduce the Sheriffs bond of Dooly county from twenty thousand to ten thousand dollars.

Also, a bill to be entitled an act to incorporate Georgetown of Quitman county, also to define the boundary of said incorporation, and to appoint the persons therein nam-

ed as commissioners of said town, and to confer certain powers upon said commissioners, and their successors in office.

Also, a bill to be entitled an act to incorporate the town of Hawkinsville, in the county of Pulaski, to appoint commissioners for the same, and to confer certain powers upon said commissioners.

Also, a bill to be entitled an act to give to endorsers the control of fi fas and judgments against their principals and prior endorsers in all cases in which the fi fas or judgments have heretofore been or may hereafter be paid by such endorser.

Also, a bill to be entitled an act to incorporate the Etowah Lodge, No. 222. of Free and Accepted Masons, at Dawsonville, in Dawson county.

Also, a bill to be entitled an act to authorize the Judges of the Superior Courts of the State to allow special and petit jurors refreshments in certain cases therein named.

Also, a bill to be entitled an act to incorporate an insurance company in the city of Columbus, to be called the Georgia Home Insurance Company.

Also, a bill to be entitled an act to incorporate Herman Lodge, No. 189, of Free and Accepted Masons, and for other purposes therein mentioned.

Also, a bill to be entitled an act to regulate the practice in the Superior Courts of this State, in certain cases, and for other purposes.

Also, a bill to be entitled an act to change the name of the Montrose Manufacturing Company of Sparta, Hancock county, to that of the Montour Manufacturing Company, and for other purposes.

Also, a bill to be entitled an act to prohibit the post mortem manumission of slaves.

Also, a bill to be entitled an act to allow additional compensation to the Sheriff of Hall, Cass, and Dade counties.

Also, a bill to be entitled an act to add an additional section to the act incorporating the town of Dahlonaga, in the county of Lumpkin.

Also, a bill to be entitled an act to incorporate the town of Dawsonville, in the county of Dawson, in this State, and for other purposes.

Also, a bill to be entitled an act to amend the law in relation to the foreclosure of mortgages, or real and personal property, and the sale thereof, and to prescribe a form for all mortgages, and for other purposes therein mentioned.

Also, a bill to be entitled an act to revise, alter and amend an act entitled an act to appoint trustees for the Jackson County Academy, and to incorporate the same, assented to the 20th of November, 1818, and for other purposes therein expressed.

Also, a bill to be entitled an act to repeal an act to reg-

ulate the Tavern license in this State, approved December 15th, 1809, so far as the same relates to the county of Wilcox,

Also, a bill to be entitled an act to empower ex-judges of the Superior Courts to sign bills of exceptions in certain cases.

Also, a bill to be entitled an act to amend an act entitled an act for the better regulating fenses, in the Province of Georgia, approved March 5th, 1759.

Also, a bill to be entitled an act to abolish the public execution of criminals, condemned to death by the laws of Georgia, upon certain conditions, and to provide for their execution in private.

Also, a bill to be entitled an act to add an additional section to the first division of the Penal Code of this State.

Also, a bill to be entitled an act for the relief of the estate of Robert Bradford, deceased, and Samuel Moffatt, and Robert Bradford, executors for the same.

Also, a bill to be entitled an act to relieve certain persons in McIntosh county from Jury duty.

The Senate took up the following bills of the House of Representatives, which were severally read the second time, and referred to the committee on internal improvements.

A bill to be entitled an act to amend an act entitled an act, to incorporate the Yahoola River and Cane Creek Hydraulic Hose Mining Company, assented to 11th December, 1858.

Also, a bill to be entitled an act to incorporate the Etowah and Auraria Hydraulic Hose Mining Company.

The following message was received from the House of Representatives, by Mr. Diamond, their Clerk.

Mr. President : I am directed by the House of Representatives to inform the Senate that they have concurred in a Resolution of the Senate in reference to the address of the Rev. Dr. Higgins, delivered on Thanksgiving Day.

The Senate took up the following bills, which were severally read the second time, and referred to the committee of the whole :

A bill to be entitled an act to provide for the education of the children of this State between certain ages.

Also, a bill to be entitled an act to repeal an act in relation to new promises, assented to February 20th, 1854.

Also, a bill to be entitled an act to incorporate Furlow Female College, in the city of Americus, and to incorporate Trustees for the same.

Also, a bill to be entitled an act to change the line between the counties of Elbert and Madison, and for other purposes.

Also, a bill to be entitled an act to change the county line between the counties of Newton and Walton.

Also, a bill to be entitled an act to authorize the Ordinary of Butts county to pay Mathew J. Gipson, a teacher of the poor children, a sum of money herein named.

Also, a bill to be entitled an act for the relief of Luke Padgett, his heirs and Representatives.

Also, a bill to be entitled an act to authorize the Inferior Court of the county of Haralson, to levy an extra tax.

Also, a bill to be entitled an act to regulate the sale and use of spirituous liquors, and intoxicating drink, within the corporate limits of the town of Elberton.

Also, a bill to be entitled an act the better to secure and protect the rights of married women, and for other purposes.

Also, a bill to be entitled an act to facilitate the collection of fines.

Also, a bill to be entitled an act to change the county lines between the counties of Dooly and Macon.

Also, a bill to be entitled an act to amend an act entitled an act to enable defendants at common law to give in evidence a partial failure of consideration of contracts, approved Dec. 26th, 1836.

Also, a bill to be entitled an act for the establishment by law of the Mounted Police, of the 15th District, G. M., Liberty county.

Also, a bill to be entitled an act to incorporate the first Presbyterian Church, of the city of Columbus, and the St. Luke Methodist Episcopal Church, South, of the city of Columbus, and the St. Paul Methodist Episcopal Church, South, of the city of Columbus.

Also, a bill to be entitled an act to provide for the payment of the Attorneys and Solicitors General, and to dispose of monies raised by fines and forfeitures.

Also, a bill to be entitled an act to legalize the purchase of a tract of land, made by Mrs. Clementina J. Billingslea, administratrix of J. F. Billingslea, deceased, of the county of Greene.

The Senate took up the following bills, which were severally read the second time, and referred to the committee on the Judiciary.

A bill to be entitled an act to repeal so much of an act approved March 6th, 1856, in relation to the destruction of deeds by fire, in so far as relates to cases pending at the time of the passage of this act.

Also, a bill to be entitled an act to regulate the admission of evidence, in the several courts of law and equity, and before arbitrators in this State.

The Senate took up the following bill, which was read the second time, and referred to the committee on Banks.

A bill to be entitled an act to incorporate a Bank in the city of Atlanta, to be called the Railroad City Bank, and for other purposes.

The Senate took up the following bill, which was read the second time, and referred to the committee on new counties and county lines.

A bill to be entitled an act to change the line between the counties of Union and Fannin.

Mr. Smith of Hancock moved to suspend the rules for the purpose of reading a House bill the first time, which was agreed to.

The Senate took up the following bill of the House of Representatives, which was read the first time.

A bill to be entitled an act for the relief of Virginia Louisa Howell, of the county of Hancock.

Mr. Riley moved to suspend the rule for the purpose of introducing a bill, which was agreed to.

Mr. Riley introduced,

A bill to be entitled an act to require the several Treasurers of the several school districts of the county of Lumpkin, to return the unexpended balances of the school fund now in their hands, to the Ordinary of said county, and for other purposes therein named, which was read the first time.

Also, a bill to be entitled an act to repeal all former acts in regard to the compensation of grand and petit jurors, and the issuing of jury certificates, so far as the same applies to the county of Lumpkin, and further to provide for the compensation of grand and petit jurors of said county of Lumpkin, and for other purposes therein named, which was read the first time.

The rules being suspended, Mr. McLeod introduced,

A bill to be entitled an act to change the time of holding the Inferior Courts of Emanuel county, which was read the first time.

Also, a bill to be entitled an act to repeal a portion of the 5th section of an act approved Dec. 11th, 1858, so far as the same applies to Emanuel county, which was read the first time.

Also, a bill to be entitled an act to require certain offices in Emanuel county, to be kept at the county site, and for other purposes, which was read the first time.

On motion of Mr. the Senate adjourned until 9 ½ o'clock to-morrow morning.

SATURDAY, NOVEMBER 26th, 1859.

Senate met according to adjournment.

Leave of absence was granted to Messrs. Trippe and Tillman, on account of indisposition.

Mr. Cloud, introduced

A bill to be entitled an act to change the county line between the counties of DeKalb and Henry, which was read the first time.

Mr. Collier, introduced

A bill to be entitled an act to provide compensation to Coroners for burying insolvent persons, which was read the first time.

Mr. Donaldson, introduced

A bill to be entitled an act to correct and perfect the plot and grant to lot of land No. 142, in the 4th district of originally Appling now Pierce county, which was read the first time.

Mr. Gartrell, introduced

A bill to be entitled an act to incorporate a Bank in the city of Marietta, and for other purposes, which was read the first time.

Mr. Green, introduced

A bill to be entitled an act to repeal an act to consolidate the Office of Clerk of the Superior and Inferior Courts of the county of Haralson, assented to December 22d, 1857, and for other purposes, which was read the first time.

Mr. Grice, offered the following resolution which was taken up, read and agreed to.

Resolved, By the General Assembly that His Excellency the Governor be and he is hereby requested to furnish the usual law books to district 1192, of Tatnall county, which is a new district and has not yet been provided with books, and also, to the new district in Bulloch and the new district in Mitchell, and the new district in Fannin, and all other new districts in the State.

Mr. Hall, introduced

A bill to be entitled an act to prevent complainants in equity causes from dismissing their suits if objected by defendants, and for other purposes, which was read the first time.

Also, a bill to be entitled an act to change the line between Talbot and Merriwether counties, which read the first time.

Also, a bill to be entitled an act to further regulate the retail of spirituous liquors, which was read the first time.

Mr. Harris of Worth, introduced

A bill to be entitled an act to add a portion of Dougherty to Worth county, which was read the first time.

Mr. Lenoir, introduced

A bill to be entitled an act to authorize Stephen Ellis, a poor old man of the county of Gwinnett, as an itinerant trader to vend any goods, wares or merchandize within the county of Gwinnett, without obtaining license for the same, which was read the first time.

Mr. Moore of Laurens, introduced

A bill to be entitled an act to amend an act entitled an act, for the better protection and security of Orphans and their Estates, approved Feb. 18th, 1799, which was read the first time.

Mr. Moore of Whitfield, introduced

A bill to be entitled an act to incorporate the Dalton Guards, and to confer upon them certain powers and privileges, which was read the first time.

Mr. Poole, introduced

A bill to be entitled an act to authorized Robert B. Davis to peddle in the counties of White and Hall, without license, which was read the first time.

Mr. Printup, introduced

A bill to be entitled an act to incorporate the Calhoun and Rome Railroad Company, and to grant certain powers and privileges to said Company, which was read the first time.

The following message was received from the House of Representatives, by Mr. Diamond their Clerk.

Mr. President:—The House of Representatives have passed the following bills.

A bill to allow Nicholas A. Long of the State of Florida, to obtain letters testamentary according to the laws now of force in this State, upon the estate of John Long, deceased, of Washington county.

Also, a bill to change the lines between the counties of Thomas and Mitchell, so as to include the residence of E. H. Taylor of the county of Thomas, within the county of Mitchell.

Also, a bill to appropriate money to defray the expenses of the Pupils of the Georgia Academy for the Blind, and to provide furniture, apparatus and books for said Academy.

Also, a bill to alter and amend the 3d section of the first article, and the 2d section of the second article of the Constitution of the State of Georgia, by striking out the word "Monday" wherever it appears in each of said sections and inserting in lieu thereof the word "Wednesday" and inserting also, in the said third section the words "House of Representatives" and "Members of Congress" after the word Senate.

Also, a bill to incorporate the Law School of Joseph H.

Lumpkin, Thomas R. R. Cobb and William H. Hull, in the town of Athens, and for other purposes.

I am also directed by the House of Representatives to inform the Senate that they have passed by a constitutional majority over the veto of his Excellency the Governor, by a vote of ayes 96 and nays 24, the following bill of the Senate:

A bill for the relief of Amy Clark from certain disabilities therein mentioned,

Mr. McRae, introduced

A bill to be entitled an act to compel persons owning five hundred or more acres of land, in certain portions of Montgomery and Telfair counties, to give in and pay taxes on the same in said counties, which was read the first time.

Mr. Riley, introduced

A bill to be entitled an act to repeal the 5th section of an act, to change and fix the time of holding the Superior Courts of the county of Lumpkin, and to authorize the drawing and summoning of two pannels of Grand and Petit Jurors for said county, and for other purposes, approved 11th December, 1858, which was read the first time.

Mr. Robinson, introduced

A bill to be entitled an act for the relief of Samuel Webb, of the county of Early, which was read the first time.

Mr. Seward offered the following resolution which was taken up, read and agreed to.

Resolved, That the committee on the State of the Republic be instructed to inquire, what Legislation if any is necessary to secure the rights of citizens of Georgia upon the adjustment of the pending boundary question between Georgia and Florida, growing out of the disturbance of existing titles to lands, should there be any material change of the present boundary line of the two States, and that said committee report by bill or otherwise at an early day.

Mr. Seward, introduced

A bill to be entitled an act for the relief of Solomon Newsum and Troup A. A. Bryan of Lowndes county, upon certain conditions.

Also, a bill to be entitled an act to vest the lot and Academy buildings in the town of Thomasville in the Inferior Court of Thomas county, and for other purposes, which was read the first time.

Mr. Bartlett, introduced

A bill to be entitled an act to pay the Sheriffs of the several counties of this State, for certain services now now provided for by law, and for other purposes, which was read the first time.

Mr. Cowen, introduced

A bill to be entitled an act for the relief of William H.

Awtrey of the county of Milton, which was read the first time.

Mr. Paine, introduced

A bill to be entitled an act amendatory of the act of 1857 entitled an act, to provide against the forfeiture of the several Bank charters in this State, on account of non-specie payment for a given time and for other purposes therein named, and declaratory of the true intent and meaning of certain sections of the same, which was read the first time.

Mr. Evans, introduced

A bill to be entitled an act to add an additional clause to the 24th section of the 1st article of the Constitution of this State, which was read the first time.

Mr. Smith of Talbot, introduced

A bill to be entitled an act to authorize Alexander R. Leonard the guardian of Michael W. Harvey, to pay over to said Harvey the whole or any part of the estate of said Harvey in the hands of said guardian, which was read the first time.

Mr. Snell, introduced

A bill to be entitled an act to change the lines between the counties of Laurens and Johnson, which was read the first time.

Mr. Tracey, introduced

A bill to be entitled an act amendatory of an act entitled an act, to incorporate the Trustees of the Botanic Medical College, which was read the first time.

Also, a bill to be entitled an act to incorporate the Georgia Internal Improvement Association, which was read the first time.

Mr. McLeod, introduced

A bill to be entitled an act to incorporate the Ben Hill Academy in the county of Emanuel, which was read the first time.

Mr. Usry, introduced

A bill to be entitled an act to authorize George Underwood of the county of Glasscock to pay over to, and settle with William W. Thompson a minor his ward, and for other purposes, which was read the first time.

Also, a bill to be entitled an act to authorize the Inferior Court of Glasscock county, to appoint school commissioners in the several districts of said county, and for other purposes, which was read the first time.

Mr. Williams of Terrell, introduced

A bill to be entitled an act to amend the 33d section of the Judiciary act of 1799, in relation to the advertisement of Sheriff's sales.

Which was read the first time.

Also, a bill to be entitled an act to compensate the Sheriffs of Terrell county for summoning Jurors.

Which was read the first time.

Mr. McGehee moved to suspend the rules, for the purpose of taking up a bill for a third reading, which was agreed to.

The Senate took as the report of the committee of the Whole.

A bill to be entitled an act to authorize the construction of a Rail Road from Barnesville, in the county of Pike, to the city of Brunswick, in the county of Glynn, or some other port on the Atlantic coast, within the limits of this State.

Mr. Collier moved to amend the report by adding the following additional section. which was agreed to.

Be it further enacted, That the Georgia Western Rail Road Company shall have the power, if deemed advisable by said company, to commence their said Road at some point on the Macon and Western Rail Road, or on the Atlantic and West Point Rail Road, and run the same Westwardly to the Alabama line, as provided in the original charter.

Be it further enacted, That any arrangement or contract between the said Georgia Western Rail Road Company, and the Macon and Western Rail Road Company, or the Atlanta and West Point Rail Road Company, for the use of a part of either of said Roads, and which said contract or contracts shall be duly ratified by the parties, and when so ratified shall be binding.

The report was agreed to, the bill was read the third time and passed.

Mr. Spalding moved to suspend the rules, for the purpose of taking up a House bill for a third reading, which was agreed to.

The Senate took up, as the report of the committee of the whole,

A bill of the House of Representatives, to be entitled an act to relieve certain persons in McIntosh from Jury duty.

The report was agreed to, the bill was read the third time and passed.

Leave of absence was granted to Mr. Hall for a few days, on special special business.

The following message was received from His Excellency the Governor, by Mr. Waters his Secretary, to-wit:

Mr. President: The Governor has signed the following bills:

An act to repeal the seventh section of an act entitled an act to incorporate and grant certain privileges and powers to the Newnan Guards, in the town of Newnan, Coweta

county, and for other purposes herein mentioned, and to repeal the fourth section of an act to regulate the compensation of Jurors, in the county of Jefferson, and for other purposes therein mentioned.

An act for the relief of the securities of George F Wing, former Tax Collector of McIntosh county.

Also, a Resolution to convey to the Rev. Dr. Higgins the thanks of the General Assembly for the very appropriate and eloquent discourse pronounced by him on "Thanksgiving day; to solicit the same for publication, and to cause a certain number of copies thereof to be printed for the use of the General Assembly.

Mr. Paine, from the committee of enrollment, reported as duly enrolled, and ready for the signature of the President of the Senate:

An act for the relief of Amy Clark from certain disabilities therein named; and which was passed over the veto of his Excellency the Governor by a constitutional majority.

The Senate took up as the report of the Committee of the whole :

A bill to be entitled an act to constitute and declare Margaret Marshall Barclay the adopted daughter of Mary M. Marshall, of the county of Chatham, the heir of the said Mary M. Marshall, and to enable her to inherit the property of the said Mary M. Marshall, and for other purposes.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole,

A bill to be entitled an act to amend the Judiciary act of this State, and to direct the manner of making Trustees, parties, Plaintiffs, or Defendants in all suits or actions now pending, or may hereafter exist in the several Courts of this State.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to define the line between the counties of Early and Clay

The committee on new counties and county lines, to whom said bill was referred, reported the following in lieu of the first section of said bill, after striking out all after the enacting clause :

That, from and after the passage of this act, the lots of land lying North of a line, commencing at the Chattahoochee river, and running east between the lands of Martin W. Stamper, and Thomas L. Salter, to the Gates Branch,

and down said branch to the Cherokee Creek, be and the same are added to the county of Clay. Which was agreed to.

Mr. Johnson of Clayton, moved further to amend the report by adding the following as an additional section:

Be it further enacted, That the county line between Henry and Clayton shall be so changed as to add to the county of Clayton the following lots of land. No.'s 153, 154, 155, 167, 185, 168, 121, 136, 122, and lot No. 71, all in the original 12th District of Henry county, including the residence of Josiah Hollingsworth, Peter J. Ward, Jacob Maddox, and John W. Langford, and John Dunson, to the county of Clayton.

The report as amended was agreed to. The Bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole,

A bill to be entitled an act to compensate commissioners for taking Interrogatories, and to provide for the payment of witnesses examined before him.

The Judiciary committee to whom said bill was referred, reported the following bill as a substitute in lieu of the original bill, to-wit:

A bill to be entitled an act to appoint Commissioners to take Interrogatories in each and every county in this State, and to provide for their compensation and the compensation of witnesses examined before them, and for other purposes therein specified.

Mr. Oliver moved to amend the report by striking out the words "two dollars and fifty cents" and inserting the words "one dollar, and provided that the fee of the commissioners shall in no case be taxed in the bill of cost, unless the Interrogatories shall be read on the trial of the case pending between the parties, which was lost.

The report of the committee was disagreed to, and the substitute was lost,

The question recurring on agreeing to the report of the committee of the whole, on the original bill.

Mr. Merrill moved to amend the report by adding the following as an additional section.

And be it further enacted, That in any case now pending, or which may hereafter be commenced in any of the Courts of law or equity in this State, the parties in said case may by agreement take the Interrogatories of any witness, and may be present at their execution, and said Interrogatories when taken and returned, may be read on the trial as other Interrogatories are now allowed by law, which was lost.

The report was agreed to, and the bill was lost.

The Senate took up, as the report of the Committee of the Whole,

A bill to be entitled an act to change and regulate the fees of the Attorney General and Solicitors General of this State.

The report was agreed to, the bill was read the third time and lost.

The Senate took up, as the report of the Committee of the Whole,

A bill to be entitled an act to appropriate the fees of Solicitors General to county purposes, and to increase their salaries.

The report was agreed to.

The bill was read the third time and lost.

The Senate took up the report of the committee of the Whole,

A bill to be entitled an act to authorize Plaintiffs to hold to bail in cases sounding in damages without first procuring an order for that purpose.

The Judiciary committee to whom said bill was referred, reported against its passage.

The report was agreed to, and the bill was lost.

The Senate took up as the report of the committee of the Whole,

A bill to be entitled an act amendatory of the Judiciary laws of this State.

The Judiciary committee to whom this bill was referred, reported against its passage.

The report was agreed to, and the bill was lost.

The Senate took up as the report of the committee of the Whole,

A bill to be entitled an act to amend the 10th section of the 10th division of the penal laws of this State.

On motion of Mr. Morris, the same was postponed for the present.

The following message was received from the House of Representatives by Mr. Diamond, their clerk :

Mr. President: The House of Representatives have passed the following bills :

A bill to change the line between the counties of Coweta and Heard, and to add lot of land No. S4, in the fifth district of originally Henry, now Fayette county, to the counties of Clayton.

Also, a bill to incorporate the town of Quitman, in Brooks county, and to confer upon the citizens of said town the privilege of electing town Commissioners with certain powers therein enumerated, and for other purposes therein specified.

Also, a bill to add a part of the county of Gilmer to the county of Fannin, and to change the lines between the counties of Troup and Merriwether, and Troup and Haralson, and for other purposes therein mentioned.

Also, a bill adding an additional section to an act passed incorporating the town of Athens, in the county of Clarke.

Also, a bill to amend the forty-fifth section of the 40th division of the Penal Code.

Also, a bill to change the county line between the counties of Warren and Glasscock, so as to change the residences of Samuel Hart, William Swint, and Mrs. Mary Hobbs, from the county of Glasscock to the counties of Warren, and for other purposes.

Mr. Paine, from the committee on enrollment reported as duly enrolled, and signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate, the following act :

An act to authorize the administrators of William Q. Anderson, deceased, and of Thomas Faver, deceased, to sell the real estate of said deceased, and for other purposes.

Mr. Smith of Hancock, moved to suspend the rules for the purpose of offering a resolution, which was agreed to.

Mr. Smith of Hancock, offered the following resolution, which was taken up, read, and agreed to

Resolved, That one thousand copies of the report of the Comptroller General be printed for the use of the Senate.

The following Message was received from the House of Representatives, by Mr. Hillyer their Clerx, *pro tem*.

Mr. President :—I am directed by the House of Representatives to inform the Senate that they have passed over the veto of his Excellency, the Governor, by a constitutional majority of ayes 103, and nays 28, the following bill :

A bill for the relief William P. Redwine, of the county of Fayette.

I am also directed by the House of Representatives to inform the Senate that the House has granted leave of absence for a few days to Mr. Diamond, their Clerk, and have appointed George Hillyer, Esq., their Clerk *pro tem*.

The hour of adjournment having arrived, the President adjourned the Senate until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The Senate met according to adjournment.

Mr. Gartrell moved to suspend the rules for the purpose of taking up a bill for a third reading, which was agreed to.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to incorporate the Polk Slate Mine Rail Road company.

Mr. Gartrell offered the following as a substitute in lieu of the original bill to wit :

A bill to be entitled an act to incorporate the Polk Slate Quarry Railroad company.

Mr. Johnston of Cass, moved further to amend the report by inserting after the word "Marietta" the following words "Cartersville or some other point on the Western and Atlantic Railroad, which was lost.

The report as amended was agreed to, the bill was read the third time and passed,

The Senate took up as the report of the committee of the Whole,

A bill to be entitled an act to authorize the Governor to appoint some fit and proper person to run out the line between the 7th district of Baker, and the 3d district of Calhoun county.

Mr. Holt moved to postpone the same indefinitely.

Upon which motion the yeas and nays were recorded, and were yeas 53, nays 40.

Those who voted in the affirmative were Messrs :

Alexander, Billups, Boggs, Boggs, Bond, Burnett, Carter, of Echols, Carter, of Elbert, Chester, Collier, Cooper, Cone, Flewellen, Gartrell, Green, Grice, Griffin, of Brooks, Hackett, Harvin, Hill, of Wilkes, Hitchcock, Holt, Hutchins Hyde, Jones, Kirby, Lenoir, Lockhart, Maples, Matthews Merrill, McLeod, Moore, of Whitfield, Morris, Oliver, Poole, Princtup, Pruitt, Reid, of Taliaferro, Ritch, Roberts, Seward, Shelton, Shellnut, Sheppard, Summerour, Tatum, White, Whitworth, Williams, of Berrien, Williams, of Rabun, Williams, of Terrell, Wynne, Young.

Those who voted in the negative were Messrs :

Barclay, Barrow, Batts, Cannon, Cloud, Cowen, Crittenden, Davis, Delapierre, Donaldson, Evans, Hightower, Hill, of Troup, Hines, Ivey, Jamison, Johnson, of Clayton, Johnson, of Cass, Jordan, King, Lamar, Lawton, Lott, McGehee.

McRae, Moore, of Laurens, Paine, Quillian, Riley, Robinson, Sirman, Smith, of Talbot, Snell, Tracy Usry, Walker, Ward, Wellborn, Wells, Wilson,

So the motion to postpone indefinitely prevailed.

Mr. Paine from the Special Committee, to whom was referred the bill to alter and change the Superior Courts of the counties of Wilcox, Telfair, Irwin and Berrien, reported the same back without any expression of opinion.

Mr. Cobb moved to suspend the rules for the purpose of taking up Senate bills for a second reading, which was agreed to.

The Senate took up the following bills which were read the second time, and referred to the committee of the whole.

A bill to be entitled an act to authorize the Justices of the Inferior Courts of Lumpkin county, to levy a direct tax to repair the Court House, and for other purposes.

Also, a bill to be entitled an act to authorize the Inferior Courts of this State to fix the tax on all public shows and exhibitions.

Also, a bill to be entitled an act to allow the Ordinary of Talbot county to pay William G. Booth for teaching certain poor children in the county of Talbot, in the years 1856 and 1857.

Also, a bill to be entitled an act to incorporate the town of Moultrie in the county of Colquitt, and for other purposes.

Also, a bill to be entitled an act to compensate the Grand Jurors of the county of Early, and for other purposes.

Also, a bill to be entitled an act for the purpose of attaching a strip of unsurveyed land, lying between the fourth and sixth districts of originally Early county, to the county of Early, and for other purposes therein contained.

Also, a bill to be entitled an act to change the time of holding the Inferior Court in the county of Gordon.

Also, a bill to be entitled an act to add an additional section to an act to appoint the persons therein named, commissioners of the town of Preston, assented to 22d, December, 1857.

Also, a bill to be entitled an act to amend the road laws of Hancock county.

Also, a bill to be entitled an act to alter and amend the tax laws of this State.

Also, a bill to be entitled an act to incorporate the Chastatee River and Town Creek Hydraulic Hose Mining company.

Also, a bill to be entitled an act to declare the meaning and intention of an act amendatory of an act to exempt from levy and sale under Executions, certain property therein mentioned, assented to 22d December, 1857

Also, a bill to be entitled an act to authorize a testator to make an inventory.

Also, a bill to be entitled an act to increase the Superintendents salary of the Western and Atlantic Railroad.

Also, a bill to be entitled an act, to pardon John Fundy of the county of Gwinnett, under sentence of death.

On motion of Mr. Lenoir the same was made the special order for Thursday next.

Also a bill to be entitled an act, to authorize the Ordinary of Whitfield county, to pay teachers of poor children, for the year 1859.

The Senate took up the following bill, which was read the second time and referred to the committee on the Military.

A bill to be entitled an act to re-organize the Militia laws of this State, and to authorize the Governor to call a Convention of the commanding Generals and Colonels of this State.

The Senate took up the following bills which were severally read the second time, and referred to the committee on new counties and county lines.

A bill to be entitled an act to change the line between the county of Worth and Colquitt.

Also, a bill to be entitled an act to change the line of the counties of Wayne and Charlton, and for other purposes.

Also, a bill to be entitled an act, to change the lines between the counties of Henry and Clayton.

Also, between the counties of Fayette and Clayton, so as to include certain residences to the county of Clayton.

Also, a bill to be entitled an act to lay out and organize a new county out of the counties of Carrol and Campbell.

The Senate took up the following bills which were severally read the second time and referred to the committee on the Judiciary.

A bill to be entitled an act to alter and amend the seventh section of an act entitled an act to amend the several Judiciary acts now in force in this State, so far as relates to Justices courts, approved, Dec. 14th, 1811,

Also, a bill to be entitled an act to require in all cases the names of secret prosecutors to be endorsed upon bills of Indictment and presentments of Grand Jurors.

Also, a bill to be entitled an act to amend an act to exempt from sale for debts contracted after a given time, certain additional articles for the subsistence of the debtors family, approved Dec. 23d, 1822, and the several acts amendatory thereof.

Also, a bill to be entitled an act to authorize James Boyd late Tax Collector of Telfair county to make titles to lands sold by him as Tax Collector.

Also, a bill to be entitled an act to organize a new Judicial circuit to be called the Oconee Circuit.

Also, a bill to be entitled an act to alter the 1st section of the 3d article of the Constitution.

Also, a bill to be entitled an act to alter and amend the laws now existing in reference to the Supreme court.

Also, a bill to be entitled an act to require two concurrent opinions of at least two of the Judges of the Supreme Court of this State to make a decision in said Court.

On motion of Mr. Seward, the Senate adjourned until 9½ o'clock, Monday morning.

MONDAY, NOVEMBER 28th, 1859.

The Senate met according to adjournment.

Mr. Lamar moved to reconsider so much of the Journal of Saturday as relates to,

A bill to be entitled an act to authorize the Governor to appoint some fit and proper person to run out the line between the 7th district of Baker and the 3d district of Calhoun county, which was agreed to.

The following Message was received from his Excellency the Governor, by Mr. Waters, his Secretary, to wit :

Mr. President:—The Governor has signed the resolution in relation to the purchase of fire-arms, and I am directed to transmit to this branch of the General Assembly a communication in writing from his Excellency, in relation thereto.

Mr. Cone, offered the following resolution which was taken up, read and agreed to,

Resolved, That the Military Committee of the Senate and House of Representatives be made a joint committee.

On motion of Mr. Cone, the Secretary was directed to

transmit the same forthwith to the House of Representatives.

Mr. Seward, moved to suspend the rule for the purpose of offering a resolution, which was agreed to.

Mr. Seward, offered the following resolution which was taken up, read and agreed to.

Resolved, That the President of the Senate appoint a committee of five, to join a like committee in the House of Representatives, to examine into the condition of the business of the two Houses, and to report upon the best means of facilitating the business, so as if possible to complete the same by the 10th December.

On motion of Mr. Seward, the Secretary was directed to transmit said resolution forthwith to the House of Representatives.

Leave of absence was granted to Messrs. Spalding and Barrow, for a few days on special business.

On motion of Mr. Cone, the following message from His Excellency the Governor, was taken up and read.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GA., Nov. 28th, 1859.

For the General Assembly:

A joint resolution of the Legislature authorizing and requesting the Governor to purchase a sufficient number of fire arms of the latest and most approved style, for the perfect equipment of all the Volunteer Companies within the State, now formed or which may be organized within the next twelve months, has received my assent, I now beg leave to call the attention of the General Assembly to the fact that no appropriation has been made for the purpose mentioned in the resolution, and that I am without the means to carry it into effect. There are at present no arms in either of the State Arsenals fit for use, and a considerable number of gallant young Companies lately organized are without arms. The quota furnished the State by the General Government is not sufficient to arm one half the Companies which are annually formed, and several Companies have lately disbanded on account of their failure to get arms. My opinion is, that it will cost from \$75,000 to \$100,000, to purchase arms of the most approved style, sufficient to supply all the Volunteer Corps, now in existence, and all which will be organized within twelve months, as a large number of new Companies will be organized so soon as it is known that provision has been made by the State to supply the necessary arms. As the General Assembly has imposed upon me the duty of supplying the arms, I respectfully re-

quest an appropriation of the sum necessary to enable me to carry into effect their resolution. I also, beg leave again to call the attention of the General Assembly to the great importance of establishing in our own State a foundry for the manufacture of arms and munitions of war. We have the necessary material in great abundance, and our financial condition is such, that the people of the State would not feel the cost.

We know not how soon we may be called upon to defend our institutions and our firesides against the assaults of unnatural enemies. Is it not the part of wisdom therefore, to prepare for the worst, while we hope for the best. It may be proper to purchase from the foundries of other States such supplies of arms as our present necessities require, but it certainly could not be wise for us to do so in future, as we should not expend large sums of money out of the State for such supplies as can be as well made within the State.

JOSEPH E. BROWN.

Mr. Johnson of Clayton, moved to suspend the rules for the purpose of taking up a bill of the House of Representatives, which had been passed by a Constitutional majority over the Governor's veto ;

Which was agreed to.

The Senate took up, as the report of the Committee of the Whole,

A bill of the House of Representatives for the relief of William P. Redwine of the county of Fayette.

On motion of Mr. Hall, the same was postponed for the present.

Mr. Hackett, moved to suspend the rules for the purpose of offering a resolution, which was agreed to.

Mr. Hackett, offered the following resolution which was taken up, and read :

Whereas, There has been made divers charges of mismanagement against the administration in power touching the management and policy of the officials connected with the Western and Atlantic Railroad, and especially in relation to the erecting and maintaining of Hotels upon the line of said Road, and whereas it is the duty and has heretofore been the policy of the Legislature, to examine into the affairs and management of said road and the official conduct of the Officers and Employees on said Road. Therefore,

Resolved, By the Senate, that a committee consisting of be appointed by the President of the Senate, a majority of whom may act, whose duty it shall be to proceed to the Western and Atlantic Railroad, and to examine into the affairs and management of the Western and Atlantic Railroad, and to examine into all matters and things connected with or pertaining to the said Hotels erected by the

officials or employees of said Road along its line, and the parties interested therein or in anywise connected therewith, and in all things to have full power and authority to examine into all matters touching or concerning the interest of the State, as to the management of all matters of business connected with said road. And to this end that said committee be clothed with full power and authority to send for persons and papers, to administer oaths, to examine witnesses and to punish for contempt any witness who shall fail to appear, or testify when present when thereto required, vesting said committee with all the power of a Judge of the Superior Court as to witnesses.

Resolved, That said committee shall pursue their investigation from day to day with power to adjourn from day to day, and from place to place until a full investigation and examination is had, and that they make their report to the Senate, at the opening of the next session of the General Assembly

Resolved 2d, That the question of compensation to be allowed said committee be referred to the Legislature.

Mr. Seward, offered the following as a substitute, in lieu of the original resolution, which was taken up, read and agreed to ;

Resolved, that the Governor be requested to communicate to the Senate, whether any, and what Hotels have been erected on the line of the Western and Atlantic Rail Road under the direction of the Superintendent of said Road, and out of what funds and at what expense, if any to the State.

The following Message was received from the House of Representatives, by Mr. Diamond their Clerk.

Mr. President : The House of Representatives have passed the following bills :

A bill to facilitate the taking of cases to the Supreme Court by Executors, Administrators and Guardians.

Also, a bill to alter and amend the second section of an act approved January 21st, 1852, and for other purposes therein mentioned.

Also, a bill to change the county line between the counties of Ware and Pierce.

Also, a bill for the relief of Arthur Haire, of the county of Cass.

Also, a bill to protect the possession of lands of actual residents, of the county of Charlton, and for other purposes.

Also, a bill to repeal an act, entitled an act to regulate the testimony of Attorneys at law.

Also, a bill to incorporate Trenton Academy, to appropriate a sum of money for the same, and for other purposes.

Also, a bill to alter and change the county line between the counties of Glasscock and Warren, and to change the residence of Richard H. Clark from the county of Glasscock to the county of Warren, and to take certain lots of land therein named from the county of Macon and add them to the county of Taylor, and for other purposes.

Also, a bill to prevent the firing of woods between the first day of May, and the first day of February, in each and every year in the counties of Echols and Clinch, and for other purposes.

Also, a bill to amend an act entitled an act, to amend the Rent laws of this State; approved December 24th, 1827. And also an act entitled an act, to protect the owners of lands and tenements against intruders, and to provide a remedy for land owners in certain cases; approved February 14th, 1854.

Also, a bill to levy a tax on all goods peddled in this State, or sales by sample, or otherwise by itinerant drummers or other persons, and for other purposes.

Also, a bill to change the line between the counties of Dawson and Lumpkin, so as to include the residence of James Rice, in the county of Dawson.

Also, a bill to amend an act entitled an act to abolish imprisonment for debt on certain conditions therein set forth, and for other purposes; assented to December 11th, 1858, and for other purposes.

Also, a bill for the relief of Sterling S. Jenkins, of the county of Merriwether.

The Senate took up as the report of the committee of the Whole,

The unfinished business of Saturday, which was:

A bill to be entitled an act to limit the liens of judgments rendered in any of the Courts of this State.

The Judiciary committee to whom this bill was referred reported against its passage.

The report was agreed to and the bill was lost.

The Senate took up as the report of the committee of the Whole,

A bill to be entitled an act to add an additional section to the tenth division of the Penal Code.

The Judiciary committee to whom this bill was referred reported the following as a substitute in lieu of the original bill, which was agreed to, to-wit:

A bill to be entitled an act to add an additional section to the eleventh division of the Penal Code.

The report as amended was agreed to, the bill was read the third time and passed.

The Senate took up as the report the committee of the Whole,

A bill to be entitled an act to change the line between the counties of Floyd and Polk.

The report was agreed to, the bill was read the third time, and passed.

The Senate took up, as the report of the Committee of the Whole.

A bill to be entitled an act to change the line between the counties of Hall and Banks.

On motion of Mr. Pruitt, the same was postponed indefinitely.

The Senate took up, as the report of the Committee of the Whole,

A bill to be entitled an act to repeal an act entitled an act to regulate the granting of new trials, approved February 20th, 1854.

On motion the same was postponed indefinitely.

The Senate took up as the report of the Committee of the whole :

A bill to be entitled an act to confer certain privileges upon William Code of Chattahoochee county, to make lawful his acts and give him authority to transact business as though he was twenty-one years of age, and for other purposes.

Mr. Evans, moved to amend the report by adding the following words to the preamble of said bill, and

Whereas, also the Guardian of said minor desires to go to the west and therefore to settle with his said ward as early as possible, the said Julius A. Code being twenty years of age therefore, which was agreed to.

Mr. Evans, moved further to amend the report by striking out the word "William" wherever it occurs in the caption or preamble or in said bill, and insert in lieu thereof the word "Julius A"

The report, as amended, was agreed to, the bill was read the third time and passed.

Leave of absence was granted to Military Committee for this evening.

The Senate took up, as the report of the Committee of the Whole,

A bill to be entitled an act to confer additional powers upon the Mayor and Council of the city of Lagrange, and to grant certain exemptions to the diligent Firemen of the city of LaGrange

The report was agreed to, the bill was read the third time and passed

The Senate took up as the report of the committee of the whole :

A bill to be entitled an act to amend the 13th section of the 13th division of the Penal Code of the State of Geor-

gia, so as to increase the penalty for selling and furnishing intoxicating liquor to slaves and free persons of color.

The report was agreed to, the bill was read the third time and passed.

The Senate took as the report of the committee of the whole :

A bill to be entitled an act for the relief of the estate of Samuel Martin, late of the county of Fayette, deceased.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole :

A bill to be entitled an act to incorporate the town of Jonesboro in the county of Clayton, and provide for the election of Commissioners, Marshals and Clerks, and for other purposes therein named.

The report was agreed to, the bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole,

A bill to be entitled an act to change the 18th section of the 14th division of the Penal Code of this State, and for other purposes.

Mr. Bartlett, moved to amend the report by adding an additional section to-wit:

Be it further enacted, That no indictment shall be continued by the State except upon a good and sufficient showing to be judged of by the Court, and that no indictment formed on a presentment shall be continued except upon a sufficient showing made by the prosecuting officer in his place as such officer to be judged of by the Court.

Mr. Harris of Worth, moved further to amend the report by adding the following:

That all motions for a continuance in State cases made upon the part of the State, stand upon the same basis and be controlled by the same rules as all other cases, which was agreed to.

Mr. Moore of Whitfield, moved further to amend the report by adding an additional section to-wit:

That in all cases where the State is not ready for trial of a criminal cause, the Judge before whom the case is pending may require in his discretion a showing for continuance to be made as in other cases, which was lost.

The report as amended was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole,

A bill to be entitled an act to compensate the Petit Jurors of Marion county, and to provide for the same.

The special committee on consolidation reported, as a substitute the following in lieu of the original bill,

A bill to be entitled an act to compensate the Grand and Petit Jurors of the counties of Dougherty, Paulding, Terrell and Merriwether, and Petit Jurors of the counties of Marion and Putnam, and to provide for the same, which was adopted.

Mr. Robinson, moved further to amend the report by adding the following as an additional section:

Be it further enacted. That the Grand Jurors of Early county, shall receive the same compensation as is now allowed to Petit Jurors of said county, and that the Inferior Court be authorized to levy an extra tax for that purpose ; which was agreed to.

The report as amended was agreed to, the Bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole,

A bill to be entitled an act to change the line between several counties therein named.

On motion the same was referred to the committee on new counties and county lines.

Mr. Cannon, chairman of the special committee on reduction of the General Assembly, reported the following bill :

A bill to be entitled an act to provide for the calling of a convention to reduce the General Assembly, which was read the first time.

On motion 150 copies of said bill was ordered to be printed for the use of the Senate.

Mr. Fulton, chairman of the committee on Public Education and Free Schools, made the following report, in the form of a bill, which was :

A bill to be entitled an act to provide for the education of the children of this State, between certain ages, and to provide an annual sinking fund for the extinguishment of the public debt, assented to Dec. 11th, 1858, which was read the first time.

Mr. Collier moved that 200 copies of said bill be printed for the use of the Senate, which was agreed to.

The Senate took up as the report of the committee of the whole :

A bill to be entitled an act to amend the Divorce Laws of this State, and for other purposes.

The Judiciary committee, to whom this bill was referred reported against its passage, and the bill was lost.

Mr. Collier, chairman of the committee on Banks, made the following report.

The committee on Banks have had under consideration a bill to be entitled an act to incorporate a bank in the city of Atlanta, to be called the "RailRoad City Bank," and for other purposes, and beg leave to report the same back to the Senate, with the following amendments, to-wit: by adding to the first section as follows: "That all the officers of said Bank and two-thirds of its stockholders shall be residents of the State of Georgia,"—by striking out the word "three" and inserting the word "five," wherever it occurs in the third section of said act—also, by striking out the twelfth section of said act—also, by adding to the fourteenth section, the following words, to-wit: "and the said Bank shall have in its vaults one dollar in specie for every three dollars it has in circulation"—also, in the seventh section, before the word property in the first line, insert the word "private"—also, by adding an additional section, as follows:

Section 19th, *The General Assembly do further enact*, That it shall not be lawful for said Bank to establish agencies without the limits of this State."

And recommend the adoption of said amendments—and that said bill, so amended, do pass.

JOHN COLLIER, Chairman.

The Senate took up as the report of the committee of whole:

A bill to be entitled an act to alter and amend an act entitled an act to point out the mode for the collection of rents, approved Dec. 16th, 1811, and for other purposes.

The Judiciary Committee, to whom this bill was referred reported against its passage.

The report was agreed to, and the bill was lost.

The Senate took up as the report of the committee of the whole:

A bill to be entitled an act for the relief of Gideon Watson, sr., of the county of Dooly, and for other purposes.

The report was agreed to, the bill was read the third time and lost.

The Senate took up as the report of the committee of the whole:

A bill to be entitled an act to reduce the amount of the jurisdiction of justices of the peace.

On motion the same was postponed indefinitely.

Mr. Paine, from the committee on enrollment reported as duly enrolled, and signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate:

An act, to relieve certain persons in McIntosh county, from Jury duty.

The hour of adjournment having arrived, the President adjourned the Senate until 3 o'clock. P M.

THREE O'CLOCK, P M.

The Senate met according to adjournment.

On motion of Mr. Printup, the rules were suspended for the purpose of reading bills of the Senate the second time.

The Senate took up the following bills which were severally read the second time, and referred to the committee of the whole.

A bill to be entitled an, to authorize the Ordinary of Pike county to pay certain money therein mentioned to certain teachers of poor children in said county.

Also, a bill to be entitled an act to authorize and require the Ordinary of Worth county to pay the accounts of John Everetts for teaching poor children in certain years.

Also, a bill to be entitled an act, to authorize the Thomaston and Barnesville Railroad company to construct and extend their Railroad to Geneva, or some other point on the Road of the Muscogee Railroad company.

Also, a bill to be entitled an act to repeal all laws relating to head rights so far as they apply to Franklin county

Also, a bill to be entitled an act to amend an act entitled an act to incorporate the town of Dalton under the name of the city of Dalton, and for other purposes.

Also, a bill to be entitled an act to define and specify what fees the Sheriffs and deputy Sheriffs of this State shall hereafter be entitled to in certain cases.

Also, a bill to be entitled an act to authorize James E. Lynn, of the county of Pulaski to Peddle on such goods and wares not prohibited by law in the limits of said county.

Also, a bill to be entitled an act to authorize Francis M. Harrell of the county of Fayette to practice medicine, and charge and collect for the same.

Also, a bill to be entitled an act for the relief of Davis Gammage, Shadwick Ware, William Winters and H. M. Johnson.

Also, a bill to be entitled an act for the relief of Susan L. B. Godwin of Bibb county.

Also, a bill to be entitled an act to alter and change the Common School laws so far as relates to Walker county.

Also, a bill to be entitled an act to incorporate the House of Israel in the city of Macon.

Also, a bill to be entitled an act to incorporate the Savannah Mutual Loan Association.

Also, a bill to be entitled an act to make a party to a suit who has no interest in the same, a competent witness on the trial of the same.

Also, a bill to be entitled an act to amend an act approved February 19th, 1856, relative to the support of widows and orphans from the estate of their deceased husbands and parents, and for other purposes.

Also, a bill to be entitled an act to authorize John Boon of the county of Milton to practice medicine and to charge and collect fees for the same.

Also, a bill to be entitled an act to alter amend and construe an act to provide for the education of the children of this State so far as the same relates to the county of Milton,

Also, a bill to be entitled an act to provide for the relief of John A. Jones and Jackson Vaughn of the county of Milton.

Also, a bill to be entitled an an act for the relief of William J. Rackley and Eliza A. Rackley.

Also, a bill to be entitled an act to consolidate the offices of Clerk of Superior and Inferior Courts of the county of Chattooga.

Also, a bill to be entitled an act to amend an act to incorporate the Georgia and Alabama Railroad company, and to grant certain powers and privileges to the same, and for other purposes.

Also, a bill to be entitled an act to compel non residents of Charlton county to pay taxes on lands therein.

Also, a bill to be entitled an act to amend and and interpret an act approved March the 5th, 1856, relative to the payment of accounts of teachers of poor children.

Also, a bill to be entitled an act to change the line between the county of Whitfield and Catoosa.

Also, a bill to be entitled an act to repeal an act entitled an act to consolidate the offices of Tax Collector and Receiver of Tax returns for the county of Haralson, assented to December 15th 1858.

Also, a bill to be entitled an act to incorporate the Mutual Insurance company of Atlanta.

Also, a bill to be entitled an act to amend an act limiting the time in which suits in the courts of law in this State must be brought, and also, limiting the time in which indictments are to be found and presented in certain cases, and

For other purposes therein mentioned approved March 6th, 1856.

Also, a bill to be entitled an act to compel Justices of the Peace in the county of Rabun to give bond and security, and for other purposes.

Also, a bill to be entitled an act to amend the several acts incorporating the town of Cartersville in Cass county, so as to exclude the residence of James Milner out of the corporate limits of said town.

Also, a bill to be entitled an act to legalize the adjournment of Quitman Superior court.

Also, a bill to be entitled an act to provide compensation for the Petit Jurors of Mitchell county, and for other purposes.

Also, a bill to be entitled an act to amend the act incorporating the town of Lumpkin in Stewart county, and for other purposes.

Also, a bill to be entitled an act to provide for the citizens of Decatur county to cross Flint River, at or near Bainbridge free of ferriage.

Also, a bill to be entitled an act to incorporate the Alabama Planters Steamboat company, and to grant to said company certain powers therein specified.

Also, a bill to be entitled an act for the relief of Moses G. Sutton of Berrien county.

Also, a bill to be entitled an act to incorporate the Cherokee Baptist Church in the county of Raban.

Also, a bill to be entitled an act to alter, amend and define an act to provide for the education of the children of this State &c., assented to, Dec. 11th, 1858, and for other purposes therein mentioned, so far as relates to county of Murray.

Also, a bill to be entitled an act to authorize Solomon A. Howell, an infirm man, of the county of Calhoun, as an itinerant trader, to vend any goods, wares or merchandize within the second Congressional District, without obtaining license for the same.

Also, a bill to be entitled an act to compensate the Sheriffs of Jefferson county for service of subpoenas on Grand and Petit Jurors of said county.

Also, a bill to be entitled an act, to change the line between the counties of Baker and Early, so as to include lot of land number three hundred and ninety-two in the 7th District in Baker county, in the county of Early

Also, a bill to be entitled an act to prescribe and define the qualifications of persons in Early county, for the office of Ordinary, and to remove certain disabilities under existing laws, and for other purposes.

Also, a bill to be entitled an act to amend an act entitled

an act, to incorporate the Georgia White Path Gold and Copper company, approved February 18th, 1856.

Also, a bill to be entitled an act to incorporate the Pulas-ki Insurance company of Hawkinsville, Georgia.

Also, a bill to be entitled an act to confer certain privileges on Charles Green.

Also, a bill to be entitled an act for the relief of certain persons therein named.

Also, a bill to be entitled an act to alter and amend an act entitled an act to regulate the granting of retail license and sale of spirituous liquors, assented to the 29th Dec., 1838, so far as relates to the city of Americus.

Also, a bill to be entitled an act to give to the commissioners appointed by the Inferior court of Calhoun County to examine Teachers, the power to decide upon their qualifications.

Also, a bill to be entitled an act to require the Ordinary of Worth county to pay Isaac R. Porter's accounts against said county, for tuition of poor children in said county, &c.

Also, a bill to be entitled an act to change the third, fourth, sixth and seventh Congressional Districts of this State.

Also, a bill to be entitled an act for the relief of James Brooks, and John H. Jones of Randolph county.

Also, a bill to be entitled an act to change the lines of Butts and Henry counties.

Also, a bill to be entitled an act to amend an act entitled act to incorporate the Indian Spring Railroad company, approved Jan. 22d, 1852.

Also, a bill to be entitled an act to repeal the second section of an act to repeal the nineteenth section of an act entitled an act to incorporate a Bank in the city of Atlanta to be called the Bank of Fulton, and for other purposes therein named.

Also, a bill to be entitled an act to consolidate and amend the several acts incorporating the town of Cartersville in the county of Cass.

Also, a bill to be entitled an act to authorize Justices of the Inferior Court of Coffee county to levy an extra tax.

Also, a bill to be entitled an act to incorporate the county site of Banks, and to appoint commissioners for the same, and for other purposes therein specified.

Also, a bill to be entitled an act to incorporate a Bank in the city of Savannah, to be called the Timber Cutter's Bank, approved Feb. 26th, 1856.

Also, a bill to be entitled an act to amend an act entitled an act to provide for the education of children of this State between certain ages, and to provide an annual sink fund

for the extinguishment of the public debt, so far as relates to the county of Fannin.

Also, a bill to be entitled an act to incorporate a corps of Infantry in the town of Jonesboro in the county of Clayton to be known as the Clayton Volunteers and to confer certain privileges.

Also, a bill to be entitled an act to amend the act to organize a Volunteer Battalion in the city of Savannah to be called the Independent Volunteer Battalion of Savannah, approved January 26th, 1852.

Also, a bill to be entitled an act to extend the civil Jurisdiction of the Justices of the Peace in that part of the county of Chatham embraced within the city of Savannah.

The Senate took up the following bills of the House of Representatives, which were severally read the second time and referred to the Committee on the Judiciary.

A bill to be entitled an act to prevent delay in the trial of causes in the courts of this State in consequence of the death of parties to authorize parties in certain circumstances to be made on motion, and for other purposes.

Also, a bill to be entitled an act to amend and enlarge the consent rule in actions of ejectment and in actions to recover lands.

Also a bill to be entitled an act to abolish the usury law now of force in this State, so far as relates to promises in writing when the rates of interest is expressed in the written promise to pay.

Also, a bill to be entitled an act to amend the claim laws of this State.

Also, a bill to be entitled an act to amend an act to amend the rent laws of this State, approved December 24th, 1847, and also, an act to protect land owners in this State and to provide a remedy for the same, approved February 14th, 1854.

Also, a bill to be entitled an act to authorize Ordinaries of this State, to act as Executors, Administrators and Guardians in certain cases.

Also, a bill to be entitled an act to define and enlarge the duties of county Treasurer.

Also, a bill to be entitled an act to repeal the 4th section of an act to prescribe the manner in which names of persons may be changed, and to provide for establishing, abolishing or changing election precincts.

Also, a bill to be entitled an act to alter and amend the law of descent in cases of persons who are illegitimate or born out of lawful wedlock dying intestate.

Also, a bill to be entitled an act to amend the habeas corpus law.

Also, a bill to be entitled an act to authorise certain persons therein mentioned to plead and practice law in the several courts in law and equity in this State on the terms therein mentioned.

Also, a bill to be entitled an act to declare the true intent and meaning of the twentieth section of an act entitled an act to carry into effect the amended constitution in reference to Ordinaries of said State, and for other purposes assented to January 21st, 1852.

Also, a bill to be entitled an act to authorize parties in suits at law, and in equity in the Superior Courts of this State to tax the costs of witnesses against the parties cast in such suits.

The Senate took up the following bills which were severally read the second time and referred to the committee on amendments to the Constitution.

A bill to be entitled an act to alter and amend the eleventh section of the 3rd article of the Constitution.

Also, a bill to be entitled an act to alter and amend the first section of the third article of the Constitution as to the place or places of the setting of the Supreme Court of this State.

The Senate took up the following bills which were severally read the second time and referred to the committee on new counties and county lines.

A bill to be entitled an act to change the line between the counties of Haralson and Carroll so as to add to the county of Carroll lots of land No's. 278 and 259 in the 7th District of originally Carroll, now Haralson, so as to change the residence of Matthew Reid and G. F. Reid, from Haralson to Carroll county.

Also, a bill to be entitled an act to organize a new county out of the counties of Columbia, Jefferson, Warren and Glascock, and to organize the same.

Also, a bill to be entitled an act to change the line of the county of Schley, and for other purposes herein mentioned.

Also, a bill to be entitled an act to amend an act entitled an act to lay out and form a new county from the counties of Marion and Sumter, and to organize the same, assented to, Dec. 22d, 1857.

Also, a bill to be entitled an act to change and alter the lines between the counties of Henry and Clayton, and between the counties of Fayette and Clayton.

The following message was received from the House of Representatives by Mr. Diamond, their Clerk.

Mr. President :—The House of Representatives have concurred in the following Resolution of the Senate, to wit :

Resolved, That the Military Committee of the Senate and House of Representatives be made a Joint committee.

They have also passed the following bill

To entitled an act change the times of holding the Inferior courts of the counties of Webster and Dade, and change the time of holding the Superior Courts of the counties of Richmond and Glynn, and have directed me to transmit the same forthwith to the Senate.

Mr. Hackett, moved to suspend the rule for the purpose of taking up a bill for a third reading, which agreed to.

The Senate took as the report of the committee of the Whole

A bill to be entitled an act to authorize the Ordinary of Habersham county to perform certain duties.

The report was agreed to, the bill was read the third time and passed.

On motion of *Mr. Hackett* the Secretary was directed to transmit the same forthwith to the House of Representatives.

Mr. Wells moved to suspend the rules for the purpose of reading a bill of the House of Representatives the first time, which was agreed to.

The Senate took up the following bill of the House of Representatives which were read the first time, to wit :

A bill to be entitled an act to allow Nicholas A. Long of the State of Florida to obtain letters testamentary according to the laws now of force in this State upon the estate of John Long deceased, of Washington county

The rule being suspended, the Senate took up the following bill of the House of Representatives, which was read the second time, and referred to the committee of the whole,

A bill to be entitled an act for the relief of Virginia Louise Howell, of the county of Hancock.

The hour of adjournment having arrived the President adjourned the Senate until 9½ o'clock to-morrow morning.

TUESDAY, NOVEMBER 29TH, 1859.

The Senate met according to adjournment.

Leave of absence was granted to the committee on the

Lunatic Asylum at 12 o'clock this day, for the purpose of visiting said institution.

Leave of absence was granted Mr. Lamar for a few days, on special business.

Mr. Bond introduced,

A bill to be entitled an act to amend an act incorporating the town of LaFayette, of Walker county, and for other purposes, which was read the first time.

Mr. Chester introduced,

A bill to be entitled an act to repeal an act of 1853 and '54, so far as the county of Decatur is concerned, which was read the first time.

Also, a bill to be entitled an act to grant a lien on all sawed timber in and for the county of Decatur, which was read the first time.

Also, a bill to be entitled an act to amend the act incorporating the town of Bainbridge, and to grant certain privileges to the same, which was read the first time.

Mr. Cloud introduced,

A bill to be entitled an act to amend an act to prescribe the mode of laying out private ways, and for other purposes, so far as relates to the county of Henry, which was read the first time.

Mr. Collier offered the following Resolution, which was taken up, read and agreed to.

Resolved, That from and after Wednesday next, the meeting and adjournment of the Senate shall be as follows, to-wit: Meet at nine o'clock, A. M., adjourn at one P. M. Meet at three o'clock, P. M., and adjourn at five o'clock P. M. Meet at seven P. M., and adjourn at nine o'clock P. M.

Provided, That the afternoon session be devoted to bills of a local character, the evening session to reading bills the first and second time, unless otherwise ordered by the Senate.

Mr. Alexander introduced,

A bill to be entitled an act to authorize and require the Ordinary of DeKalb county to pay over to G. W. Lathram the sum of \$192 89 cents for teaching poor children of said county, in the year 1856 and 1857, out of the school fund of said county, which was read the first time.

Mr. Evans offered the following resolution, which was read:

Resolved, That the Comptroller General be required to furnish the Senate with a statement of the Representative Population of each county in this State, according to the census taken this year, counting all free whites, and three fifths of the colored population, with a view to the new apportionment of members of the House of Representatives, under the said census, as required by the Constitution, to

be done at the session of the Legislature next after each census, but at no other time.

Mr. Fulton introduced,

A bill to be entitled an act to authorize the Ordinaries of Columbia and Whitfield counties to pay certain poor school claims for 1856 '57 '58 and '59, and for other purposes therein named, which was read the first time.

Also, a bill to be entitled an act to authorize Clerks of the Superior Courts of this State, to appoint Assistants or Deputy Clerks to aid them in taking testimony in murder and other criminal cases, which was read the first time.

Also, a bill to be entitled an act to authorize the Governor of this State to cause to be established at some accessible and convenient place in this State, a State Foundry, and for other purposes therein mentioned, which was read the first time.

Mr. Gartrell introduced,

A bill to be entitled an act to incorporate the Marietta Paper Mill Company, and for other purposes, which was read the first time.

Mr. Hood introduced,

A bill to be entitled an act to incorporate the Columbus and Whitesville Rail Road Company, which was read the first time.

Mr. Johnston introduced,

A bill to be entitled an act to make the selling or furnishing in any way, spirituous or intoxicating liquors of any kind, pistols, drinks, bewie-knives, sword-canes, or any other deadly weapons of a like character, to a school-boy, student or minor, *a misdemeanor*, which was read the first time.

Mr. Lawton introduced,

A bill to be entitled an act to incorporate the Jenner Medical Society, of Oglethorpe Medical College at Savannah, which was read the first time.

Mr. Lenoir introduced,

A bill to be entitled an act to prevent free persons of color, commonly known as free negroes, from coming into the State of Georgia, which was read the first time.

Mr. Mathews offered the following resolution, which was read :

Resolved By the Senate and House of Representatives of the State of Georgia in General Assembly met, That a joint committee of both Houses, consisting of three from the Senate and five from the House, be appointed to inquire into the expediency of removing the Capitol of this State; the place where it shall be put, and the amount of aid, if any, that can be procured for the building of said Capital from the citizens of such place where it may be removed,

and that said committee report thereon, on by the fourth day of the next session of this Legislature.

Mr. Matthews introduced,

A bill to be entitled an act to add an additional section to the Penal Code, and allow negro testimony in certain cases, which was read the first time.

Mr. Hightower introduced,

A bill to be entitled an act to amend the charter of the Ellijay Rail Road Company, and for other purposes, which was read the first time.

Mr. McDuffie introduced,

A bill to be entitled an act to pardon John W. Martin, who is now confined in the Penitentiary for life, which was read the first time.

Mr. McRea introduced,

A bill to be entitled an act to alter and amend an act to submit the question of the removal of the county site of Montgomery county to the voters of said county, and for carrying out the will of the majority, which was read the first time.

Mr. Rushin introduced,

A bill to be entitled an act to compensate the Tax Receiver of Marion county, which was read the first time.

Mr. Tarver introduced,

A bill to be entitled an act to exempt practicing Physicians in the county of Jefferson from jury duty, which was read the first time.

Also, bill to be entitled an act to incorporate the Jefferson Blues, and to grant them certain powers, which was read the first time.

Mr. Tatum introduced,

A bill to be entitled an act to change the line between the counties of Coweta and Campbell, &c., which was read the first time.

Mr. White introduced,

A bill to be entitled an act to allow Matthew Cook to peddle without paying tax in the county of Walton, which was read the first time.

Mr. Williams of Rabun, introduced,

A bill to be entitled an act to authorize the school commissioners of Rabun county, to pay G. M. Gunter for teaching poor children for the year 1859, which was read the first time.

Mr. Williams of Terrell, introduced,

A bill to be entitled an act to authorize the extension of the South-western Rail Road, which was read the first time.

The President appointed as the committee on the part of the Senate to examine into the business of the two

Houses: Messrs. Seward, Cone, Collier, Paine and Cook, as said committee:

Mr. Gartrell presented the following memorial, which was read and referred to the committee on the State of the Republic:

To the General Assembly of the State of Georgia:

The undersigned appointed under an act passed at your last session "to provide for the Codification of the Laws of Georgia" deem it due to your Body as well as to themselves, not only to report their project, but also to ask such inspection of their labors as will satisfy you of their fidelity to the object of their appointment.

In one view of the act the object contemplated by the Legislature swells into a project, the magnitude of which would deter the boldest—if the utter impossibility of its accomplishment did not strike the most inexperienced. We did not believe this construction of the act to be the exponent of the true intention of the Legislature—but read your will to be—a codification of the great fundamental principles of our Jurisprudence from whatever source derived, together with such local Legislation as our Statutes from time to time have shown to be necessary; such a code will furnish all the information which the citizen or ordinary Magistrate may require—while it would not profess to provide a solution for every difficult problem of the law, which under the ever varying relations of human life, and intercourse may arise, such was the 'Code Napoleon;' yet the whole body of the civil law is still a prolific fountain from which the French Courts draw truth and wisdom; such was the Civil Code of Louisiana, the forerunner of many intentions. And such the Alabama Code recommended in your act. Yet no Code has ever professed to "supercede all other laws and decisions, and establish fixed and uniform law." farther than by announcing great principles in condensed definitions, or modifying those principles by others, and thus furnishing tools and touch stones for application by skillful Artists of the law.

Thus reading your intention we have entered upon the work, seeking not alone to condense the verbose and almost chaotic mass of our own statutes, but also to interweave those great fundamental principles of our Jurisprudence—which will fill out and make perfect the body of law, of which the statutes constituted but disjointed members. In such an undertaking we cannot hope for perfect success.

To ensure it as far as possible, we suggest and request that the committee on the Judiciary of your bodies, examine the fruits of our labor and report thereon at your present session.

On many points much thought is necessary to determine what at first view might appear a simple question, your codifiers should have an opportunity, when their work is submitted for your final action to give the reasons for their decision; moreover a simple change in a screw or lever, may disturb the working of the entire machinery, so an apparently unimportant alteration may mar the perfection of a well digested system. With this view, in other statutes, we learn the codifiers have been allowed to be heard in the deliberations upon their work.

We would suggest that your body require the Judiciary committee to meet prior to the next regular session, for the purpose of inspecting the Code completed.

From the progress we have made we think we may safely promise to be prepared to report our labors done, within two years from our appointment.

Respectfully, your obedient servants,

DAVID IRWIN,

T. R. R. COBB,

RICHARD H. CLARKE.

Mr. Fulton moved to suspend the rules, for the purpose of taking up all resolutions not acted on, which was agreed to.

The Senate took up a resolution of the House of Representatives, relative to authorizing the Governor to subscribe for copies of the public laws in pamphlet form of the present Session, which was read and agreed to, with an amendment.

Also, a resolution in relation to appointing a committee to examine and ascertain what additional furniture is needed in the Executive Mansion, which was read and concurred in.

Also, a resolution in relation to the discontinuance of a certain mail line, which was read and concurred in.

Also, a resolution in relation to the attempted insurrection at Harper's Ferry, on motion the same was postponed indefinitely.

The following resolutions of the Senate were taken up, read, and agreed to:

A resolution in relation to the late outbreak at Harper's Ferry.

Also, a resolution requesting our Senators and Representatives in Congress to use their influence to have a tri-weekly mail route established from Harmony Grove, in the county of Jackson, by way of Phi Delta, Bushville, &c., to Clarkesville in Habersham county.

Also, a resolution requesting our Senators and Representatives in Congress to have a weekly mail route established

from Blackshear, in Pierce county, to Douglas, in the county of Coffee.

Also a resolution instructing our Senators and Representatives in Congress to have the mail service which has been lately discontinued in Georgia put in operation again by the Post Master General.

Also a resolution requesting our Senators and Representatives in Congress to use their efforts to have a weekly mail Route established from Spring Place, or other most convenient office to a place known as the Ball Ground, the name of said office to be Ballville.

Also, a resolution requesting our Senators and Representatives in in Congressi to use their inflnence to have the mail routes through the counties of Worth, Irwin, and Wilcox, changed from what they are now, to what they were previous to the letting of new contracts.

Also, a resolution authorizing the committee on the Deaf and Dumb Institution, to appoint a sub-committee, whose duty it shall be to visit, in conjunction with such committee as may be appointed by the House of Representatives, said Institution, after the adjournment of the General Assembly—and report to the next General Assembly.

Also a resolution requesting our Senators and Representatives in Congress to use their influence in having the following mail routes re-established: The route from Little York to Dublin, the route from Little York to Boxville. from Boxville to Sugar Creek, from Seward via Mount Vernon, to Battle Ground.

Also, a resolution requesting our Senators and Representatives in Congress to use their influence in having a daily mail route established from Waresboro to Teboville, on the Atlantic and Gulf Railroad, and to have the mail route from Waresboro to Holmesville, re-established.

The following resolution of the Senate, was taken up, read and referred to the committee on the state of the Republic.

A resolution instructing our Senators and Representatives in Congress to inquire into certain charges against persons connected with the late out-break at Harper's Ferry.

Also the following resolutions were taken up read and postponed indefinitely.

A resolution in reference to the institution of slavery, as it exists at the South.

Also a resolution in relation to the strifes and bloodshed that occur around the ballot box.

Leave of absence was granted Mr. Ware, for the balance of the Session, on account of indisposition.

Leave of absence was granted Mr. Lenoir for a few days on special business.

The following message was received from the House of Representatives by Mr. Diamond their Clerk.

Mr. President: I am directed by the House of Representatives, to inform the Senate that they have passed the following bills, to-wit:

A bill to incorporate the Gate City Guards, of Atlanta, and to grant certain privileges and immunities to the same.

Also a bill to incorporate the Georgia Grays, of the city of Columbus, and to extend to them certain privileges.

Also, a bill to incorporate Spring Vale Institute, in Randolph county, Georgia.

Also, a bill to prevent the killing of deer, in the county of Screven.

Also, a bill to compensate the justices of the peace in the county of Decatur, for making out and returning lists of poor children to Ordinary.

Also, a bill for the relief of Richard Myrick, of Pike county.

Also a bill to incorporate Fire Company, No. 2, in the town of Athens.

Also, a bill to authorize the Justices of the Inferior Court of Gilmer county to levy an extra tax for the purpose of paying the county debt, created by building their Court House.

Also a bill to incorporate the Indian Creek Baptist Church in Franklin county, and to appoint Trustees for the same.

Also, a bill to incorporate the town of Sylvania and Scarborough, in the county of Screven and to amend the charter of Atlanta.

Also, a bill to amend the several acts relating to the Savannah & Albany Rail Road Company, and the Albany & Gulf Rail Road Company, and for other other purposes.

Also, a bill to authorize the Inferior Court of Banks county to submit the question of the location of their county site to the people, and for other purposes.

Also, a bill for the relief of James M. Jones, of the county of Bibb, executor of James G. Beall, late of Dooly county, deceased, and for other purposes.

Also, a bill to authorize the Ordinary of Baldwin county to pay Sarah M. Candler, and L. Caarington, for teaching poor children in said county, in the year 1858.

Also, a bill to reduce the Sheriffs bond of the county of Milton.

Also, a bill to erect the monument of Governor Jared Irwin, in the town of Sandersville.

Also, a bill to amend an act amendatory of the road laws of this State, so far as relates to the county of Coffee, approved 1st March, 1856, and to apply the provisions of the same to the county of Clinch.

Also, a bill to amend an act to incorporate the town of Camilla, in the county of Mitchell, approved March 3rd, 1856.

The Senate took up as the report of the Committee of the whole :

A bill to be entitled an act to compel all persons owning uncultivated Lottery land, in the State of Georgia, to return and pay tax on the same in the county where the land lies.

Mr. Alred moved to amend the report, by adding the following :

"That the tax receiver shall be the agent in each of the several counties, to give in taxes of non-residents, upon application, which was lost.

Mr. Collier moved further to amend the report by adding the following proviso :

"*Provided*, That the provisions of this act shall not be so construed as to effect the rights of minors, idiots, lunatics, widows, or persons who may give in their real estate in any county in this State.

Mr. Seward moved further to amend the report by striking out in said proviso, all after the word "widow," upon agreeing to which the yeas and nays were recorded, and were yeas 45, nays 47

Those who voted in the affirmative were Messrs.

Allred, Atkinson, Barclay, Batts Brown, Cannon, Carter of Echols, Chester, Cowen, Donaldson, Green, Griffin of Brooks, Harris of Dougherty, Harris of Worth, Harvin, Hightower, Hutchins, Hyde, Jamison, King, Lott, Maddox, Maples, Merrill, McDuffie, McRea, Moore of Whitfield, Paine, Quillian, Reid of Talliaferro, Ritch, Robinson, Roberts, Seward, Shelton, Sirman, Smith of Talbot, Summerour, Sweat, Wallace, Whitworth, Williams of Berrien, Williams of Rabun, Wilson, Young.

Those who voted in the negative were Messrs :

Bartlett, Billups, Boggs, Carter of Elbert, Collier, Cook, Cone, Crittenden, Denham, Evans, Glover, Grice, Hackett, Hall, Hart, Head, Hill of Wilkes, Hines, Hitchcock, Johnson of Clayton, Johnson of Cass, Jones, Jordan, Kirby, Mathews, McGehee, McLeod, Morris, Oliver, Poole, Pruitt, Rushin, Sawyer, Shellnut, Sheppard, Snell, Stowers, Tarver, Tracy, Trippe, Usry, Walker, Ward, Wells, White, Whitehurst, Wynne.

So the motion did not prevail.

Mr. Paine moved to further amend the report by adding the following, "and that the owner or agent shall return the number, the district, and section of their land," which was agreed to.

Mr. Hill of Wilkes moved that the bill with its amendments, be postponed indefinitely.

Upon agreeing to which motion the yeas and nays were recorded, and were yeas 41, nays 53.

Those who voted in the affirmative were Messrs.

Bartlett, Billups, Boggs, Brown, Carter of Elbert, Collier, Cook, Cone, Denham, Glover, Grice, Hackett, Hall, Head, Hill of Wilkes, Hines, Hitchcock, Johnson of Cass, Jones, Kirby, Lawton, Mathews, McLeod, Morris, Oliver, Poole, Pruitt, Rushin, Sawyer, Shellnut, Sheppard, Snell, Stowers, Tarver, Tracy, Trippe, Ward, Wells, White, Whithurst, Wynne.

Those who voted in the negative were Messrs :

Alexander, Alred, Atkinson, Barclay, Batts, Cannon, Carter of Echols, Chester, Cowen, Crittenden, Donaldson, Evens, Green, Griffin of Brooks, Hart, Harris of Dougherty, Harris of Worth, Harvin, Hightower, Hutchins, Hyde, Jamison, Johnson of Clayton, Jordan, King, Lott, Maddox, Maples, Merrill, McDuffie, McGehee, McRea, Moore of Whitfield, Paine, Quillian, Reid of Taliaferro, Ritch, Robinson, Roberts, Seward, Shelton, Sirman, Smith of Talbot, Summerour, Sweat, Usry, Walker, Wallace, Whitworth, Williams of Berrien, Williams of Rabun, Wilson, Young.

The report as amended was agreed to.

The question being on the passage of the bill, pending which the hour of adjournment having arrived, the President adjourned the Senate until 3 o'clock, P. M.

3 O'CLOCK, P. M.

The Senate met, according to adjournment.

The Senate resumed the unfinished business of the morning, which was the consideration of,

A bill, to be entitled an act to compel all persons owning uncultivated lottery land, in the State of Georgia, to return and pay tax on the same, in the county where the land lies.

Mr. Seward moved, that the bill be re-committed ; which was agreed to.

On motion of Mr. Seward, the bill with amendments was postponed for the present.

The following message was received from the House of Representatives, by Mr. Diamond, their Clerk :

Mr. President: The House of Representatives have passed the following bill of the Senate;

A bill to authorize the Administrators of the estate of James Young, Sr., to sell the property of said estate, and to make titles to the same.

And I am directed to transmit the same, forthwith, to this branch of the General Assembly.

They have also concurred in the following resolution of the Senate, to-wit :

Resolved, That the President of the Senate appoint a committee of five, to join a like committee in the House of Representatives, to examine into the business of the two Houses, and to report upon the best means of facilitating the business, so as, if possible, to complete the same by the 10th December.

They have appointed as such committee, on their part, Messrs. Terrill, Fannin, of Morgan, David, Lewis, of Greene, and Colvard.

The Senate took up, as the report of the Committee of the Whole,

A bill, to be entitled an act to change and fix the time of holding the Superior Courts in the counties of Heard, Carroll, Haralson and Polk, and also to change the time of holding the Inferior Courts in the county of Heard.

Mr. Oliver offered the following as a substitute, in lieu of the original bill, which was adopted :

A bill, to be entitled an act to change the time of holding the Superior Courts in the counties of Heard, Carroll, Campbell, Paulding and Floyd, and to change the time of holding the Inferior Courts in the county of Heard, and to add Paulding county to the Tallapoosa Circuit.

The report as amended, was agreed to, the bill was read the third time and passed.

On motion of Mr. Collier, the rules were suspended for the purpose of taking up bills of the House of Representatives for a third reading.

The Senate took up as the report of the Committee of the Whole, the following bills of the House of Representatives :

A bill, to be entitled an act to consolidate the offices of Tax Collector and Tax Receiver, of the county of Irwin.

The report was agreed to, the bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole, the following bill of the House of Representatives :

A bill, to be entitled an act to amend an act to incorporate the town of Fort Valley, in the county of Houston, and to provide for the election of Commissioners, approved March 3rd, 1856.

The report was agreed to the bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole, the following bill of the House of Representatives :

A bill, to be entitled an act for the relief of I. C. Smith, formerly of Fayette, now of Clayton county.

The report was agreed to the bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole,

A bill, to be entitled an act to amend an act to incorporate a corps of Infantry, in the town of Fort Valley, and also, to incorporate the Oglethorpe Light Infantry, of Savannah, and confer certain privileges upon the same.

The report was agreed to, the bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole,

A bill, to be entitled an act to give the Receiver of Tax returns, of the county of Chatham, certain commissions.

The report was agreed to, the bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole,

A bill, to be entitled an act to alter and amend the Road Laws of this State, so far as relates to the county of Harris.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the Committee of the Whole :

A bill, to be entitled an act to compensate the Grand and Petit Jurors of the county of Dade, and to authorize the levying of a tax for the same.

The report was agreed to, the bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole,

A bill, to be entitled an act to incorporate the Lucy Cobb Institute for the Education of young Ladies, in the town of Athens.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the Committee of the Whole,

A bill, to be entitled an act to reduce the Sheriff's bond, in the county of White.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the Committee of the Whole,

A bill to be entitled an act to amend the charter of the South-Western Rail Road Company, and to authorize an increase of the capital stock of said Company.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the Committee of the Whole,

A bill, to be entitled an act to authorize the Inferior Court for Richmond county to levy an extra tax for certain purposes.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the Committee of the Whole,

A bill, to be entitled an act for the relief of John F Jackson, and other purposes therein mentioned.

The report was agreed to, the bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole,

A bill to be entitled an act to protect and encourage the refection of artificial fish ponds, and to make any trespass on the same penal, and for other purposes.

Mr. Hyde moved to amend the report, by excepting the county of Fannin; which was agreed to.

The report as amended was agreed to, the bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole,

A bill, to be entitled an act to repeal an act entitled an act to regulate the Tavern License in this State, approved December 15th, 1809, so far as the same relates to the county of Wilcox.

The report was agreed to, the bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole,

A bill, to be entitled an act for the purpose of changing the time of holding the Inferior Courts of Terrell county.

The report was agreed to, the bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole,

A bill, to be entitled an act to amend an act passed by the General Assembly, for the year eighteen hundred and fifty-seven, granting certain powers and privileges to the Griffin Light Guards, of the city of Griffin, Spalding county, Georgia, assented to December 22nd, 1857.

The report was agreed to. The Bill was read the third time and passed.

The Senate took up as the report of the Committee of the Whole,

A bill, to be entitled an act to amend an act entitled an act to incorporate the Columbus Savings and Mutual Loan Association, approved March 1st, 1856.

The report was agreed to, the Bill was read the third time and passed.

The Senate took up as the report of the Committee of the whole,

A bill, to be entitled an act to amend an act entitled an act for the better regulating fences in the province of Georgia, approved March 9th, 1759.

The report was agreed to, the bill was read the third time, and lost.

The Senate took up as the report of the Committee of the Whole,

A bill, to be entitled an act to compensate witnesses, within the various militia districts of this State.

On motion, the same was postponed indefinitely.

The Senate took up as the report of the Committee of the Whole,

A bill, to be entitled an act to expedite the progress of certain cases, taken up to the Supreme Court by writ of error.

On motion, the same was referred to the committee on the Judiciary.

The Senate took up as the report of the Committee of the Whole,

A bill, to be entitled an act to empower ex-Judges of the Superior Courts to sign bills of exceptions, in certain cases.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the Committee of the Whole,

A bill, to be entitled an act to allow the Superintendent of all Elections, at precincts without the limits of a city, town, or village, in this State, to close the polls of suc

ctions, after the hour of four o'clock, P. M., and for other purposes.

On motion, the same was referred to the committee on the Judiciary.

The Senate took up as the report of the Committee of Finance,

A bill, to be entitled an act to repeal an act to authorize the Georgia Rail Road and Banking Company, to build a branch Road to the town of Eatonton, in Putnam county, and to increase the capital stock of said Company, assented 11th December, 1858.

On motion, the same was made the special order for Monday, December 5th.

The Senate took up as the report of the committee of Finance:

A bill, to be entitled an act for the relief of Virginia Louisa Howell, of the county of Hancock.

Mr. Blair moved the previous question, which being seconded, the main question was ordered to be put, which as, shall the report of the committee be agreed to?

The report was agreed to, and upon the question, shall this bill now pass? the yeas and nays were required to be recorded and were yeas 63, nays 23.

Those who voted in the affirmative were Messrs.

Alexander, Alfred, Barclay, Batts, Billups, Boggs, Cannon, Carter, of Echols, Carter, of Elbert, Chester, Cone, Dela-
 pierre, Evans, Glover, Green, Griffin, of Brooks, Griffin, of
 Twiggs, Hackett, Hart, Harris, of Worth, Harvin, Head,
 Hill, of Wilkes, Hines, Holt, Hyde, Ivey, Jamison, John-
 son, of Clayton, King, Kirby, Lott, Maddox, Maples, Mat-
 thews, McDuffie, McLeod, Morris, Paine, Printup, Pruitt,
 Quillian, Riley, Robinson, Roberts, Rushin, Sawyer, Se-
 zard, Shelton, Sheppard, Sirman, Snell, Stowers, Summer-
 ur, Sweat, Tarver, Tracy, Usry, Walker, Ward, White, Wil-
 ams, of Berrien, Williams, of Terrell, Young.

Those who voted in the negative, were Messrs.

Atkinson, Cowen, Denham, Donaldson, Hall, Hightower,
 Hitchcock, Hutchins, Jones, Jordan, Merrill, McRae, Moore,
 of Whitfield, Oliver, Ritch, Shellnut, Trippe, Wallace, White-
 hurst, Whitworth, Williams, of Rabun, Wilson, Wynne.

So the bill was passed.

Mr. Paine, from the committee on Enrollment, reported
 is duly enrolled, and ready for the signature of the President
 of the Senate, the following, to wit:

A bill, to be entitled an act to authorize the Administra-

tors of the estate of James Young, Sr., to sell the property of said estate, and to make titles to the same.

Mr. Griffin, of Twiggs, moved to suspend the rules, for the purpose of introducing a bill, which was agreed to.

Mr. Griffin, of Twiggs, introduced,

A bill, to be entitled an act to alter and change the lines between the counties of Twiggs and Jones; which was read the first time.

The Senate took up as the report of the Committee of the whole :

A bill, to be entitled an act for the relief of the securities upon the bonds of substituted Trustees, and for other purposes therein named.

The report was agreed to, the bill was read the third time and passed.

Mr. Tracy moved to suspend the rules, for the purpose of taking up a bill of the House of Representatives for a second reading; which was agreed to.

The Senate took up the following bill of the House of Representatives, which was read the second time, to wit:

A bill, to be entitled an act to allow Nicholas A. Long, of the State of Florida, to obtain letters Testamentary, according to the laws now in force in this State, upon the estate of John Long, deceased, of Washington county.

The Senate took up as the report of the Committee of the Whole,

A bill, to be entitled an act to incorporate the Bainbridge and Florida Rail Road Company.

Mr. Seward offered the following as a substitute, in lieu of the original bill; which was adopted,

A bill, to be entitled an act to incorporate the Bainbridge and Florida Railroad Company, and to incorporate the Monticello Branch Rail Road Company, and for other purposes.

The report as amended was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the Committee of the Whole,

A bill, to be entitled an act to incorporate the town of Hawkinsville, in the county of Pulaski, to appoint Commissioners for the same, and to confer certain powers upon said Commissioners.

Mr. Seward moved to amend the report, by adding additional sections, incorporating the town of Groversville, in Brooks county, and amending the caption of said bill; which was agreed to.

Mr. Jordan moved further to amend the report, by inserting after the words, "convenience of the public," in the original bill, the words, "in case the consent of the owners, over whose land said streets may be located, shall be first had and obtained, and not otherwise;" which was agreed to.

The report as amended was agreed to, the bill was read the third time and passed.

The hour of adjournment having arrived, the President adjourned the Senate, until 9½ o'clock, to-morrow morning.

WEDNESDAY, NOVEMBER 30th, 1859.

The Senate met according to adjournment.

Mr. Fulton, moved to reconsider so much of the Journals of yesterday as relates to the vote by which a resolution authorizing the Governor to subscribe for copies of the Public Laws in pamphlet form of the present session, was agreed to, which was lost.

Mr. Cook, moved to reconsider so much of the Journal of yesterday, as relates to the vote by which,

A bill to be entitled an act to incorporate a corps of Infantry in the town of Fort Valley, and also, to incorporate the Oglethorpe Light Infantry of Savannah, and to confer certain privileges upon the same, was passed, which was agreed to.

Mr. Moore of Whitfield, moved to reconsider so much of the Journal of yesterday as relates to the vote by which,

A bill to be entitled an act for the relief of Virginia Louisa Howell, of the county of Hancock, was passed.

Mr. Cannon, called for the previous question which being seconded, the main question was ordered to be put, the main question was put which was the question, shall the bill be reconsidered?

Upon which question the yeas and nays were required to be recorded, and

Were yeas 30, nays 82

Those who voted in the affirmative, are Messrs.

Briscoe, Burnett, Cooper, Cowen, Denham, Flewellen, Gartrell, Grice, Hall, Hightower, Hitchcock, Hutchins, Jamison, Jones, Jordan, Merrill, McRae, Moore of Whitfield, Oliver, Ritch, Shellnut, Smith of Talbot, Tatum, Trippe, Wallace, Wellborn, Whitworth, Williams of Rabun, Wilson, Wymc.

Those who voted in the negative, are Messrs.

Alexander, Alfred, Atkinson, Barclay, Bartlett, Batts,

Boggs, Bond, Brown, Byars, Cannon, Carter of Echols, Carter of Elbert, Chester, Cloud, Collier, Cook, Cone, Crittenden, Davis, Delaperriere, Donaldson, Evans, Fulton, Glover, Green, Griffin of Brooks, Griffin of Twiggs, Hackett, Hart, Harris of Dougherty, Harris of Worth, Harvin, Head, Hill of Sunter, Hill of Wilkes, Hines, Holt, Hood, Hyde, Ivey, Johnson of Clayton, Johnson of Cass, King, Kirby, Lawton, Lockhart, Lott, Maddox, Maples, Mathews, McDuffie, McGehee, McLeod, Paine, Poole, Pruitt, Quillian, Reid of Morgan, Reid of Talliaferro, Riley, Robinson, Roberts, Rushin, Sawyer, Seward, Shelton, Sheppard, Sirman, Smith of Hancock, Snell, Stowers, Summerour, Sweat, Tarver, Tracy, Walker, Ward, White, Williams of Berrien, Williams of Terrell, Young.

So the motion to reconsider did not prevail.

The following message was received from the House of Representatives, by Mr. Diamond their Clerk.

Mr. President:—I am directed by the House of Representatives to inform the Senate that they have passed the following bills.

A bill for the relief of Jabez M. White of the county of Hancock.

Also, a bill to alter and change the times of holding the Superior and Inferior Courts of the county of Walker, and the Superior Courts of the county of Dade.

Also, a bill to consolidate the Offices of Clerk of the Superior and Inferior Courts of the county of Quitman.

Also, a bill for the relief of William Pyram of the county of Fayette.

Also, a bill to incorporate the "Macon Guards" &c.

Also, a bill to amend an act entitled an act to incorporate of Orphan's Home of the Protestant Episcopal Church in Chatham county.

Also, a bill to incorporate the Mutual Building Loan Association of Columbus.

Also, a bill to change the law imposing a tax on shows, so far as relates to the county of Walker.

Also, a bill to consolidate the Offices of Clerk of the Superior and Inferior Courts of Schley county, and to reduce the bonds of the Sheriff of said county.

Also, a bill to change the name of the "Southern Central Agricultural Society," to that of the "State Agricultural Society of Georgia" and for other purposes.

Also, a bill to incorporate "Clayton High School" and for other purposes therein named.

Also, a bill to incorporate the "Hancock Van Guard," an Infantry Company in the county of Hancock, and also

the Hancock Troup of Cavalry of said county, and to incorporate the Jackson Rifles, and for other purposes.

Also, a bill to regulate the sale of spirituous liquors in the county of Stewart, and for other purposes.

Also, a bill to authorize the Mayor of the city of St. Mary's, to hold special Courts for summary trial of any dispute or difference between any ship-master, owner, consignee or super-cargo of any vessel, articulated seaman or other person in the corporate limits of said city.

Also, a bill to amend the charter of the "American Atlantic Screw Steam Ship Company," and to allow an increase of capital of the said Company.

Also, a bill to amend the incorporation of the "Savannah Volunteer Guards" of the city of Savannah.

Also, a bill to incorporate Gordon Grove No. 1, United Order of Druids (U. A. O. D.) located and working in Savannah, &c.

Also, a bill to incorporate the Georgia Hussars a Volunteer Military Corps of Savannah.

Also, a bill to authorize the Justices of the Inferior Court of Rabun county, to levy an extra tax, and for other purposes.

Also, a bill to authorize the Justices of the Inferior Court of Sumter county, to levy an extra tax for county purposes.

Also, a bill to alter the times of holding the Superior Courts of the county of Effingham, and for other purposes therein mentioned.

Also, a bill to amend an act entitled an act authorizing the arrest by the Marshal of the village of Sparta, without warrant, &c.

Also, a bill to be entitled an act to amend the charter of the McBean Company, granted Feb. 11th, 1850.

Also, a bill to incorporate the Jackson Artillery of the city of Macon, and for other purposes.

Also, a bill to change the time of holding the Superior and Inferior Courts, in the county of Upson.

Also, a bill to amend the act of the 11th of December 1858, in relation to the return of Lottery Managers, Insurance and Express Companies in this State.

Leave of absence was granted Mr. Moore of Laurens, for the balance of the session on account of indisposition.

The President appointed Messrs. Billups, Gartrell and Jordan, as the committee on the part of the Senate to examine and ascertain what additional furniture is needed in the Executive Mansion.

The following Message was received from the House of Representatives, by Mr. Diamond their Clerk.

Mr. President: I am directed by the House of Represen-

tatives to inform the Senate that they have passed the following bills of the Senate:

A bill to amend an act entitled an act to alter and amend the Road Laws of this State, so far as relates to the county of Wayne, assented to December 22d, 1857.

Also, a bill to incorporate the Georgia Insurance Company.

The following memorial was read, and referred to committee on Military.

The committee appointed by the Convention of Volunteer Officers of the State of Georgia, to report such matters as may be advisable for the action of the Convention, and to whom was referred sundry propositions laid before the meeting beg leave to report.

That they have considered and consulted upon the matters referred, and, as the result of their deliberations, they recommend to the Convention the adoption of the following resolutions:

1. *Resolved*, That this Convention recommend to the General Assembly of Georgia, to pass an act appropriating a sufficient sum to purchase arms, accoutrement and Field Equipments to supply the Military force of the State.

2. *Resolved*, That this Convention also earnestly recommend to the General Assembly, the immediate establishment of a State Armory for the manufacture and repair of small arms and artillery.

3. *Resolved*, That this Convention recommend the Georgia Military Institute to the fostering care of the State, and further recommend such changes in the laws now governing it as may increase its efficiency and insure its discipline.

4. *Resolved*, That this Convention recommend to the General Assembly, the appointment at this session of a commission to consist of five competent officers, whose duty it shall be to prepare a Military Code, and report the same at the opening of the next session of the Legislature.

The above report having been taken up, discussed and unanimously agreed to,

On motion of Capt. Bartow, the president of the Convention was requested to report the same to both branches of the General Assembly.

Test.

C. R. HANLEITER, }
ROBERT GRANT, } Sec'rs.

MILLEDGEVILLE, Nov. 29th, 1859.

On motion of Mr. Johnson of Clayton, the rules were suspended, and the Senate took up,

A bill to be entitled an act for the relief of William P. Redwine, of the county of Fayette.

And upon the question shall this bill be passed over the veto of His Excellency the Governor, the yeas and nays were recorded, and

Were yeas 96, nays 14.

Those who voted in the affirmative are Messrs :

Allred, Bartlett, Batts, Boggs, Bond, Briscoe, Brown, Burnett, Byars, Cannon, Carter of Echols, Carter of Elbert, Chester, Cloud, Collier, Cowen, Crittenden, Davis, Delaperriere, Denham, Donaldson, Evans, Flewellen, Fulton, Gartrell, Glover, Green, Grice, Griffin of Brooks, Hackett, Hall, Harris of Dougherty, Harris of Worth, Harvin, Head, Hill of Troup, Hill of Wilkes, Hines, Hitchcock, Hood, Hutchins, Hyde, Ivey, Jamison, Johnson of Clayton, Johnson of Cass, Jordan, King, Kirby, Lawton, Lott, Maddox, Maples, Matthews, Merrill, McDuffie, McGehee, McLeod, McRae, Moore of Whitfield, Paine, Poole, Printup, Pruitt, Quillian, Reid of Taliaferro, Riley, Ritch, Robinson, Roberts, Rushin, Sawyer, Seward, Shelton, Sheppard, Sirman, Smith of Hancock, Smith of Talbot, Snell, Stowers, Summerour, Sweat, Tarver, Tatum, Tracy, Trippe, Walker, Ward, Wellborn, Wells, White, Whitehurst, Whitworth, Williams of Berrien, Wynne, Young.

Those who voted in the negative, are Messrs ,

Alexander, Atkinson, Barclay, Cooper, Cone, Griffin of Twiggs, Hart, Hightower, Lockhart, Morris, Oliver, Shellnut, Wallace, Williams of Rabun, Wilson.

So the bill was passed by a constitutional majority over the veto of His Excellency the Governor.

Mr. Collier, moved to suspend the rules for the purpose of introducing a bill, which was agreed to.

Mr. Collier, introduced

A bill to be entitled an act to take the Interrogatories of Clewis, in the case of the State vs. Richard Clewis, on a charge of arson, in Crawford county, which was read the first time.

The Senate took up, as the report of the Committee of the Whole, the following bill of the House of Representatives:

A bill to be entitled an act to allow Nicholas A. Long, of the State of Florida, to obtain letters testamentary, according to the laws now of force in this State upon the estate of John Long, deceased, of Washington county.

Mr. Lawton, moved to amend the report by adding the following proviso :

Provided, That nothing herein contained shall effect suits now in progress against the representative of said estate, but the said Long shall be made a party without further notice or delay, and that personal service on the said Long, shall not be necessary for the commencement or progress of any suit hereafter to be instituted against the Representative of said estate, but publication for thirty days in any Gazette of this State, shall be sufficient and in lieu of any personal service, which was agreed to.

The report, as amended, was agreed to, the bill was read the third time and passed.

The following message was received from the House of Representatives by Mr. Diamond, their clerk :

Mr. President : I am directed by the House of Representatives to inform the Senate that they have passed the following bill of the Senate :

A bill to pardon William A. Choice, of the county of Fulton, now under sentence of death for the crime of murder. And I am directed to transmit the same forthwith to this branch of the General Assembly.

Mr. Ivory presented the following memorial which was read.

STATE OF GEORGIA, } To the Honorable the Senate
HABERSHAM COUNTY. } and House of Representatives
of the State of Georgia.

The humble petition of the undersigned, respectfully sheweth that on the seventeenth day of January last, your petitioner was and had been for months engaged as a train hand on the State Road in the constant and faithful discharge of all his duties, and with a laudable ambition and wish to merit the control of a train as soon as possible. That on that (to me unfortunate) day while walking on the top of the cars to apply the breaks as we neared a water tank I was knocked off by a beam of timber that had been thrown across the track connected with the tank and about 4½ feet above the top of the cars ; I unfortunately fell (it is said) between the cars and had my right arm mashed off by the wheels and the heel of the left foot crushed and partially severed; in deed scarcely any part of my body escaped injury. Nothing however, that nursing and medical skill could accomplish was neglected and I am now nearly well, but in a State of utter helplessness and a burden on the hands of my poor parents, I therefore throw myself upon the charity of the State through her Representatives with confidence they will do whatever they think right in my behalf, and as in duty bound will ever pray.

JOSIAH J. ANDERSON.

Nov. 27th, 1859.

On motion the same was referred to the Committee on the Judiciary.

Mr. Johnson, chairman, of the committee on new counties and county lines, made the following report ;

The committee on new counties and county lines to whom a consolidated bill with various amendments was referred, report the same back to the Senate and recommend that the same do pass.

Also, a bill to lay out and organize a new county from the counties of Polk, Floyd, Cass and Paulding, report the same back to the Senate and recommend that the same do not pass.

Also, a bill to change the county lines between Henry and Clayton counties, and between Fayette and Clayton counties, report the same back to the Senate and recommend that the same do pass.

Also, a bill to lay out a new county out of the counties of Warren, Jefferson and Glasscock, report the same back to the Senate and recommend that the same do pass.

Also, a bill to be entitled an act to change the line of Wayne and Charlton, and for other purposes, report the same back to the Senate and recommend the same do pass.

Also, a bill to be entitled an act to change the line of the county of Schley, and for other purposes herein mentioned, report the same back to Senate and recommend that the same do pass.

Also, a bill to be entitled an act to change the line between the county of Worth and Colquitt, report the same back to the Senate and recommend that the same do pass.

Also a bill to be entitled an act to change the lines between the counties of Union and Fannin, report the same back to the Senate and recommend the same do pass.

Also, a bill to be entitled an act to amend an act entitled an act to lay out and form a new county out of the counties of Marion and Sumpter, and to organize the same, assented to December 22d, 1857.

The committee offer to amend this bill by a substitute for the original bill, and recommend that the substitute do pass.

JAMES F. JOHNSON, Chairman.

The Senate took up as the report of the committee of the whole:

A bill to be entitled an act to change the line between the counties of Madison and Jackson, Floyd and Polk, Macon and Taylor, Habersham and White, Wilcox and Pulaski, Sumter and Macon, Meriwether and Coweta, and to amend the caption of an act assented to December 11th, 1858, entitled an act to change the line between the counties of Ware and Pierce.

The committee on new counties and county lines to whom this bill with its amendments was referred, moved

to amend the same by striking out the first section after the enacting clause, which was agreed to.

The hour of adjournment having arrived the President adjourned the Senate until 3 o'clock, P. M.

3 O'CLOCK, P. M.

The Senate met according to adjournment.

The Senate resumed the consideration of the unfinished business of the morning, which was,

A bill, to be entitled an act to change the line between certain counties therein named.

Mr. Cook moved to amend the report, by adding the following, to wit :

And all that portion of Dooly county, north of Hog Crane Creek, to the county of Macon, making said Creek the county line between the counties of Macon and Dooly, to the line of Houston and Dooly ; which was lost.

Mr. Shelton moved further to amend the report by striking out so much as relates to the counties of White and Habersham ; which was lost.

Mr. Williams, of Terrell, moved further to amend the report, by adding the following, as an additional section :

Be it further enacted, That lots of land Numbers sixty-four and sixty-five, in the tenth District of Randolph county, be included hereafter in the county of Terrell, and that the line between said counties be so changed, as to include said lots aforesaid ; which was agreed to.

Mr. Morris moved further to amend the report, by adding the following as an additional section :

And be it further enacted, That the line between the counties of Franklin and Hart be changed, so as to include the lot of land and residence of Riley Sewell, in the county of Franklin, said line beginning at the south corner of said tract of land, running along the east line of said tract, to the east corner of said tract, and then along the north line of said tract, to the present county line ; which was agreed to.

Mr. Harris, of Dougherty moved further to amend the report, by adding the following, as an additional section :

And be it further enacted, That lots of land numbers three hundred and twenty-five, three hundred and twenty-six, three hundred and sixty-six, three hundred and sixty-seven, and four hundred and seven, lying in the eighth District of Baker county, and immediately upon the line of the counties of Dougherty and Baker, be, and the same are hereby

added to and attached to the county of Dougherty; which was lost.

Mr. Sheppard moved further to amend the report, by adding the following, as an additional section:

Be it further enacted, That the county line between the counties of Webster and Terrell be so altered as to include lots of land numbers one hundred and twenty-six, and one hundred and twenty-seven, in the eighth District of Terrell county, within the county of Webster, so as to change the residence of Franklin Mulkey to Webster county; which was agreed to.

Mr. Denham moved further to amend the report by adding the following as an additional section.

And be it further enacted, that the line between Clayton county and Fayette be so changed as to include lots of land numbers 205, 206, 207, 208, 209, 210, 211, 212, 237, 238, 239, 240, 243, and 244, in the fourth District of originally Henry, recently Fayette, but now Clayton county, it being the residence of Matthew Turnipseed, Samuel Kerlin, Wm. J. Kerlin, Hilliard M. Starr, William Thombs, William Wright, Isaiah Turner, John Wright, Nelson Gibson, John Bright, Benjamin H. Fortson, be so changed as to include them in the county of Fayette; which was lost.

Mr. Jordan moved further to amend the report, by adding the following as an additional section:

And be it further enacted, That the line between the counties of Dooly and Pulaski, shall be so changed as to include the lot of land now in the county of Dooly, upon which Charles Hardy now resides, in the county of Pulaski, the same being lot of land number 61, in the fifth District of Dooly; which was agreed to.

Mr. Allred moved further to amend the report by adding the following as an additional section.

And be it further enacted, That lot of land number 231, of the 13th District, and second section of Cherokee, be added to Pickens, including the residence of A. F. Hovey, also number 238, in said District, also number 292 in the 4th District and 2nd section, including the residence of Stephen Jordan, now in Cherokee; which was lost.

The report as amended was agreed to, the bill was read the third time and passed.

Mr. Paine, from the committee on Enrollment, reported as duly enrolled, and ready for the signature of the President of the Senate,

An act to amend an act entitled an act to alter and amend the Road Laws of this State, so far as relates to the county of Wayne, assented to December 22nd, 1857.

Also, an act to pardon William A Choice, of the county of

Fulton, now under sentence of death for the crime of murder.

Also an act to incorporate the Georgia Insurance Company.

The Senate took up as the report of the Committee of the Whole,

A bill, to be entitled an act to authorize the consolidation of the stock of the Milledgeville and Gordon Railroad Company with the stock of the Central Rail Road and Banking Company, of Georgia, and also to authorize the consolidation of the stock of the Eatonton Branch Rail Road, with the stock of the Central Rail Road and Banking Company of Georgia, and also to authorize an increase of the capital stock of said Central Rail Road and Banking Company of Georgia, and for other purposes.

Mr. Trippe moved to amend the report, by adding the following proviso to the first section of said bill.

Provided, that the said Central Rail Road and Banking Company, shall first pay into the Treasury of the State the sum of twenty thousand dollars, and upon the same being paid, the Governor is hereby authorized to transfer said Central Rail Road and Banking Company, the stock owned by the State in the Milledgeville and Gordon Rail Road Company; which was agreed to.

Mr. Tracy moved further to amend the report, by adding the following as an additional section:

And be it further enacted, That said Central Railroad Company shall establish and publish uniform rates of freight, applicable to all citizens of this State, without discrimination, and shall in no case charge one customer or shipper a higher rate than another, for any article or thing transported over the same distance on said road.

Pending the consideration of which, the hour of adjournment having arrived, the President adjourned the Senate until 9 o'clock, to-morrow morning.

THURSDAY MORNING, Dec. 1st. 1859.

The Senate met according to adjournment.

Mr. Lawton moved to reconsider so much of the journal of yesterday, as relates to the vote by which a bill to be entitled an act to allow Nicholas A. Long, of the State of Florida, to obtain letters testamentary according to the laws now of force in this State, upon the estate of John

Long, deceased, of Washington county, was passed, which was agreed to.

Mr. Cook moved to reconsider so much of the journal of yesterday, as relates to the vote by which a bill to be entitled an act to change the line between certain counties therein named was passed, which was agreed to.

On motion of Mr. Lawton, the rules were suspended, and the Senate took up as the report of the committee of the whole, the following reconsidered bill of the House of Representatives :

A bill to be entitled an act to allow Nicholas A. Long, of the State of Florida, to obtain tetter's testamentary according to the laws now of force in this State, upon the estate of John Long, deceased, of Washington county.

Mr. Lawton moved to amend the report by inserting in the proviso of said bill, after the words "Gazette of this State" the words "to be indicated by an order from the Judge of the Superior Court for the time being of the county in which said suit is to be brought on application of the plaintiff, either in term time or vacation," which was agreed to.

The report as amended was agreed to, the bill was read the third time and passed.

On motion of Mr. Holt, the rules were suspended, and the Senate took up as the report of the committee of the whole :

A bill to be entitled an act to repeal all laws under and by authority of which peddlers and itinerant traders have been permitted to pursue their occupations in this State, and to provide and impose penalties upon each and every person who may after this act is provided to take effect, be detected in the violation of the provisions thereof, and for other purposes therein specified.

Mr. Harris of Worth moved to amend the report by adding the following proviso :

Provided, That the provisions of this section shall not apply to, or in anywise interfere with the rights or business of colporteurs who are citizens of this State, and vending southern books, except books and maps published in the State of Georgia, which was lost.

Mr. Harris of Dougherty, moved further to amend the report by adding the following words, "or any other article manufactured in this State," which was lost.

Mr. Holt moved further to amend the report by adding the following to the 4th section of said bill, "nor shall they be so construed as to apply to and prevent the itinerant sale and vending of the products of the farms, orchards and dairys in this State, except spirituous and intoxicating

drinks, nor shall they be construed to apply to and prevent the itinerant sale, and vending of cotton gins, agricultural implements and all such mechanical inventions as may be actually manufactured in this State, *provided*, nothing in this act shall be so construed as to authorize the peddling of spirituous or intoxicating liquors, which was agreed to.

Mr. Cone moved further to amend the report by adding the following as an additional section.

And be it further enacted, That when any peddler is apprehended for a violation of the provisions of this act, it shall be lawful for any justice of the inferior court or justice of the peace to issue an attachment against the property of the person so arrested, sufficient to pay all cost and fines, which shall accrue, if the person so arrested shall be convicted, in preference to any other debts or claim, which was agreed to.

Mr. Barclay moved further to amend the report by adding the following as an additional section.

And be it further enacted, That this act shall not apply to any citizens of any of the Southern States, trading on agricultural products or mechanical articles, which was lost.

Mr. Poole moved further to amend the report by adding the following proviso to the 4th section.

Provided, That all native citizens of this State shall be authorized to peddle under existing laws, which was lost.

Mr. Hill of Troup moved further to amend the report by adding the following as an additional section :

Be it further enacted, That the provisions of this act shall not be construed to prevent the sale of books, tracts, and other periodicals and papers, by ministers of the gospel, in actual connection with a Conference, Synod, Presbytery, Association or Convention in this State, and who may be acting under and by authority of such Conference, Synod, Presbytery, or Association, or Convention.

Upon agreeing to which the yeas and nays were required to be recorded, and were yeas 87, nays 27.

Those who voted in the affirmative were Messrs.

Alexander, Alred, Barclay, Bartlett, Batts, Billups, Boggs, Bond, Briscoe, Brown, Burnett. Byars, Cannon, Carter of Echols, Carter of Elbert, Chester, Cloud, Collier, Cooper, Cook, Crittenden, Evans, Flewellen, Fulton, Gartrell, Grice, Hackett, Hall, Hart, Harris of Dougherty, Harvin, Head, Hill of Troup, Hill of Wilkes, Hines, Hitchcock, Holt, Hood, Hutchins, Hyde, Ivey, Johnson of

Clayton, Johnson of Cass, Jones, Kirby, Maddox, Maples, Mathews, McDuffie, McGehee, McLeod, McRea, Moore of Whitfield, Morris, Oliver, Paine, Poole, Printup, Pruitt, Quillian, Reid of Morgan, Reid of Taliaferro, Riley, Ritch, Robinson, Sawyer, Shelton, Shellnut, Sheppard, Smith of Hancock, Snell, Stowers, Sweat, Tarver, Trippe, Walker, Wallace, Ward, Wellborn, Wells, White, Whitehurst, Williams of Rabun, Williams of Terrell, Wilson, Wynne, Young.

Those who voted in the negative were Messrs :

Atkinson Cone, Cowen, Davis, Denham, Donaldson, Glover, Green, Griffin of Brooks, Griffin of Twiggs, Harris of Worth, Hightower, Hill of Sumter, Jamison, King, Lockhart, Lott, Merrill, Roberts, Rushin, Sirman, Smith of Talbot, Tatum, Tracy, Usry, Whitworth, Williams of Berrien.

So the amendment was agreed to.

Mr. Holt moved further to amend the report by adding the following as an additional section :

And be it further enacted, That all fines imposed under this act shall be appropriated to the educational fund of the county in which conviction may be had, which was agreed to.

The previous question was called, which being seconded, the main question was ordered to be put.

The report was agreed to.

The main question was then put, and upon the question "shall this bill now pass?" the yeas and nays were required to be recorded, and were yeas 67, nays 48.

Those who voted in the affirmative were Messrs.

Alexander, Atkinson, Bartlett, Batts, Billups, Boggs, Bond, Briscoe, Brown, Burnett, Carter of Elbert, Collier, Cooper, Cook, Cone, Fulton, Gartrell, Griffin of Twiggs, Hart, Harris of Dougherty, Harris of Worth, Harvin, Head, Hill of Sumter, Hill of Troup, Hill of Wilkes, Hines, Holt, Hood, Hutchins, Ivey, Johnson of Clayton, Johnson of Cass, Jones, King, Kirby, Lawton, Maddox, Mathews, McGehee, McLeod, McRea, Moore of Whitfield, Morris, Printup, Pruitt, Quillian, Reid of Morgan, Reid of Taliaferro, Ritch, Robinson, Seward, Sheppard, Sirman, Smith of Hancock, Smith of Talbot, Snell, Sweat, Tarver, Trippe, Usry, Wallace, Ward, Wellborn, Wells, White, Whitehurst, Williams of Rabun, Wynne.

Those who voted in the negative were Messrs.

Alred, Barclay, Byars, Cannon, Carter of Echols, Chester,

Cloud, Cowen, Crittenden, Davis, Denham, Donaldson, Evans, Fleweller, Glover, Green, Grice, Griffin of Brooks, Hackett, Hall, Hightower, Hitchcock, Hyde Jamison, Lockhart, Lott, Maples, Merrell, McDuffie, Oliver, Poole, Riley, Roberts, Rushin, Sawyer, Shelton, Shellnut, Stowers, Tatum, Tracy, Walker, Whitworth, Williams of Berrien, Williams of Terrell, Wilson, Young.

So the bill was passed.

The following message was received from the House of Representatives, by Mr. Diamond their clerk.

Mr. President : The House of Representatives have passed the following bills of the Senate :

A bill to define and enlarge the corporate privileges heretofore granted to the First Presbyterian Church of Augusta."

A bill to prevent persons from poisoning fish in the water courses of Irwin county, for the purpose of killing fish.

A bill to authorize the Ordinary of Habersham county, to grant letters of Guardianship on the estate of Susan S. Hackett.

A bill to authorize A. C. Trumbull, administrator of Andrew M. Hamilton, deceased, to sell the negroes of his intestate, on the first Tuesday in January next.

A bill to alter and amend the act incorporating the town of of Lincolnton, and the several acts amendatory thereof, &c.

A bill to make valid all letters of administration heretofore granted by the courts of Ordinary of this State, where written notice of such application has not been given at the Court House door of said county as required by law.

A bill to constitute and declare Margaret Marshall Barclay, the adopted daughter of Mary M. Marshall, of the county of Chatham, the heir of the said Mary M. Marshall, &c.

A bill to amend the charter of the Planter's Bank of the State of Georgia, &c.

A bill to legalize the marriage of Lawson Cody and Frances Cody, &c.

A bill to incorporate the Clark county Agricultural Society, &c.

A bill to incorporate the Thomasville Manufacturing Agricultural and Commercial Association, &c.

A bill to authorize guardians of Insane persons to be made parties to suits brought by deceased guardians.

A bill to confer other powers than those now granted to the Augusta Orphan Home.

A bill to prevent the sale of spirituous liquors within one half mile of the Court House in the town of Fayetteville, &c.

A bill to add the county of Wilcox to the Second Congressional District.

They have also passed the following bill of the Senate, with an amendment thereto, in which they ask the concurrence of this branch of the General Assembly

A bill to incorporate the trustees of the Presbyterian Church in the town of Perry, in the county of Houston.

They have also concurred in the amendment of the Senate to a Resolution of the House of Representatives to authorize the Governor to subscribe for copies of the Public Laws in pamphlet form of the present session, &c.

Mr. Cloud moved to suspend the rules for the purpose of introducing a bill, which was agreed to.

Mr. Cloud introduced,

A bill to be entitled an act, to incorporate the town of Summerville, in the county of Emanuel, and appoint commissioners for the same, with powers to regulate the same for the benefit of the school within said corporate limits.

The Senate resumed the consideration of the unfinished business of yesterday, which was :

A bill to be entitled an act to authorize the consolidation of the stock of the Milledgeville and Gordon Railroad Company with the stock of the Central Railroad and Banking Company of Georgia, and also to authorize the consolidation of the stock of the Eatonton Railroad with the stock of the Central Railroad and Banking Company of Georgia, and also to authorize an increase of the capital stock of the said Central Railroad and Banking Company of Georgia, and for other purposes, and the amendment to the report.

Upon agreeing to which the yeas and nays were required to be recorded, and were yeas 16, nays 91.

Those who voted in the affirmative were Messrs :

Atkinson, Brown, Glover, Green, Harris of Dougherty, Hyde, King, Maddox, Maples, McDuffie, Seward, Summerour, Tracy, Walker, Ware, Williams of Berrien, Young.

Those who voted in the negative were Messrs :

Allred, Barclay, Bartlett, Batts, Billups, Boggs, Briscoe, Burnett, Byars, Carter of Echols, Carter of Elbert, Chester, Cloud, Collier, Cooper, Cook, Cone, Cowen, Crittenden, Denham, Donaldson, Evans, Flewellen, Fulton, Grice, Griffin of Twiggs, Hackett, Hall, Hart, Harris of Worth, Harvin, Head, Hightower, Hill of Sumter, Hill of Troup, Hill of Wilkes, Hines, Hitchcock, Holt, Hood, Hutchins, Ivey Jamison, Johnson of Clayton, Johnson of Cass, Jones, Kirby, Lawton, Lockhart, Lott, Merrill, McGehee, McLeod,

McRea, Moore of Whitfield, Morris, Oliver, Paine, Poole, Printup, Pruitt, Reid of Morgan, Reid of Taliaferro, Riley, Robinson, Roberts, Rushin, Sawyer, Shellnut, Sheppard, Sirman, Smith of Hancock, Smith of Talbot, Snell, Stowers, Sweat, Tarver, Tatum, Trippe, Usry, Wallace, Ward, Wellborn, Wells, White, Whitehurst, Whitworth, Williams of Rabun, Williams of Terrell, Wilson, Wynne.

So the motion did not prevail.

Mr. PRINCIPAL called for the previous question, which being seconded the main question was ordered to be put.

The report was agreed to, the main question was then put, and upon the question, "Shall this bill now pass?" the yeas and nays were required to be recorded, and were yeas 98, and nays 8.

Those who voted in the affirmative were Messrs.

Alexander, Alfred, Barclay, Bartlett, Batts, Billups, Boggs, Broome, Burnett, Cannon, Carter of Echols, Carter of Elbert, Cloud, Collier, Cooper, Cook, Cone, Cowen, Crittenden, Davis, Denham, Donaldson, Evans, Flewellen, Gartrell, Green, Grice, Griffin of Brooks, Griffin of Twiggs, Hackett, Hall, Hart, Harris of Dougherty, Harvin, Head, Hightower, Hill of Sumter, Hill of Troup, Hill of Wilkes, Hines, Hitchcock, Holt, Hood, Hutchins, Hyde, Johnson of Clayton, Johnson of Cass, Jones, King, Kirby, Lawton, Lockhart, Lott, Maples, Matthews, Merrill, McDuffie, McGehee, McLeod, McRea, Moore of Whitfield, Morris, Oliver, Paine, Poole, Printup, Pruitt, Quillian, Reid of Morgan, Reid of Taliaferro, Riley, Ritch, Robinson, Rushin, Sawyer, Shellnut, Sheppard, Sirman, Smith of Hancock, Smith of Talbot, S. P. Stowers, Sweat, Tarver, Tatum, Trippe, Usry, Walker, Wallace, Ward, Wells, White, Whitehurst, Whitworth, Williams of Rabun, Williams of Terrell, Wilson, Wynne.

Those who voted in the negative were Messrs :

Atkinson, Brown, Glover, Moddiox, Seward, Tracy, Williams of Berrien, Young.

So the bill was passed.

The following Message was received from the House of Representatives by Mr. Diamond, their Clerk.

Mr. President: The House of Representatives have passed the following bills :

A bill to compel the chartered banks of this State once in every year to publish a list of their depositors, and the amounts to the credit of each.

A Bill to compensate William T. Williamson for recording the unfinished Journals of the House of Representatives for the year 1851 and 1852.

A bill to appropriate money for the Medical College of Georgia," &c.

A bill to establish the county line between the counties of Montgomery and Tattnall, and also between Tattnal and Emanuel.

A bill to incorporate a volunteer corps of Infantry in the town of Thomaston, and county of Upson, and to grant them certain powers.

Mr. Paine, from the committee on enrollment reported as duly enrolled, and signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate :

An act to alter and amend the road laws of this State, so far as relates to the county of Harris.

Also, an act to amend the charter of the South-western Rail Road Company, and to authorize an increase of the capital stock of said company.

Also, an act to amend an act entitled an act to amend an act entitled an act to regulate the tavern license in this State; approved December the 15th, 1809, so far as the same relates to the county of Wilcox.

Also, an act to amend an act passed by the General Assembly for the year eighteen hundred and fifty-seven. granting certain powers and privileges to the Griffin Light Guards of the city of Griffin, Spalding county, Georgia; assented to December 22d, 1857.

Also, an act for the relief of I. C. Smith, formerly of Fayette, now Clayton county

Also, an act to compensate the Grand and Petit Jurors of the county of Dade, and to authorize a levying of a tax for the same.

Also, an act for the relief of Virginia Louise Howell, of the county of Hancock.

Also, an act to amend an act to incorporate the town of Fort Valley in the county of Houston, and to provide for the election of Commissioners for the same; approved March 3d, 1851.

Also, an act to amend an act entitled an act, to incorporate the Columbus Saving and Mutual Loan Association; approved March the 1st, 1856.

Also, an act for the purpose of changing the times of holding the Inferior Courts of Terrell county

Also, an act for the relief of securities upon the bonds of substituted trustees, and for other purposes therein named.

Also, an act for the relief of John F. Jackson, and other persons therein mentioned.

Also, an act to consolidate the offices of Tax Collector and Tax Receiver of the county of Irwin.

Also, an act to incorporate the Lucy Cobb Institute for the education of young ladies, in the town of Athens.

Also, an act to entitle the Receiver of Tax Returns, of the county of Chatham, to a commission on the extraordinary tax levied by the Justices of the Inferior Court of said county for county purposes.

Also, an act to authorize the Inferior Court of Richmond county, to levy an extra tax for the erection of public buildings.

Also, an act to reduce the Sheriff's bond, in the county of White.

Also, a resolution to request our members in Congress to re-open certain mail lines.

Also, a resolution appointing a committee to ascertain if any furniture is needed in the Executive Mansion.

The following Message was received from his Excellency the Governor, by Mr. Waters, his Secretary, to-wit :

Mr. President : I am directed by his Excellency the Governor, to return to this branch of the General Assembly from whence it originated, the bill entitled an act to pardon William A. Choice, of the county of Fulton, now under sentence of death for the crime of murder, accompanied with a communication in writing.

On motion of Mr. Cone, the following communication from his Excellency the Governor was taken up and read :

TO THE SENATE:

I herewith return the bill entitled an act to pardon William A. Choice of the county of Fulton now under sentence death for the crime of murder, without my sanction.

The seventh section of the 2nd article of the Constitution of this State is in these words :

“ He, (the Governor) shall have power to grant reprieves for offences against the State, except in cases of impeachment, and to grant pardons or to remit any part of a sentence in all cases after conviction, except for treason or murder in which cases he may respite the execution, and make report thereof to the next General Assembly, by whom a pardon may be granted.” Looking to this isolated section of the Constitution, I once doubted whether the whole power to pardon in cases of murder and treason was not vested exclusively in the General Assembly, and whether it was necessary to the passage of such a bill or its validity as a law, that it be submitted to the Governor for his approval and whether he had any duty to perform, or any responsibility to incur in giving validity to the enactment. But an ex

amination of other sections of the Constitution, which must be construed in connection with the section above quoted, removes all doubt upon this question, and satisfies my mind, that it is as much the duty of the Governor to revise and approve, or disapprove, a bill of this character, as it is to sanction or refuse to sanction any other bill. It is true the above section of the Constitution vests the pardoning power in cases of murder in the General Assembly, and it is also, true that the second section of the first article of the Constitution vests the entire legislative power in the General Assembly. It is in these words :

“The Legislative power shall be vested in two separate and distinct branches, to wit : A Senate and House of Representatives to be styled the General Assembly ”

But these grants of power to the General Assembly are alike qualified by the tenth and eleventh sections of the second article of the Constitution, which are in these words:

Section 10th. He, (the Governor) shall have the revision of all bills passed by both Houses, before the same shall become laws, but two thirds of both Houses may pass a law notwithstanding his dissent, and if any bill shall not be returned by the Governor within five days after it hath been presented to him, the same shall be a law, unless the General Assembly by their adjournment shall prevent its return.

Sec. 11th. Every vote, resolution or order to which the concurrence of both Houses may be necessary except on a question of adjournment, shall be presented to the Governor, and before it shall take effect, be approved by him, or being disapproved may be repassed by two thirds of both Houses, according to the rules and limitations prescribed in case of a bill.” If, therefore, this be a bill or vote, a resolution or order of the General Assembly, to which the concurrence of both Houses is necessary, it is the duty of the Governor to revise it, and approve or disapprove it. The circumstances of the killing as detailed in evidence in this case, are substantially, as follows :

Calvin Webb was a public officer in the city of Atlanta, and as such had in his hands a bail process against Choice, the prisoner, for ten dollars. On the night before the killing he met Choice, who it was alleged was about to leave the State for New York, and informed him of the fact, that he had the process in his hands, and desired him to arrange for the settlement of the claim: Choice desired Webb to release him upon his promise that it should be arranged. Webb refused to do so, and some unpleasant words passed; about this time, Col. Glenn stepped into the room where the parties were, and Choice asked him to stand as surety for him, Col. Glenn agreed to see the debt paid, and with this, Webb expressed himself satisfied. After this Choice, who was at the time excited by the use of intoxicating li-

quors cursed and abused Webb. Col. Glenn interfered and prevented any difficulty, after which Webb left the room. Next morning between ten and eleven o'clock, Webb, and another gentleman were walking the street, some distance from the car shed in Atlanta, and saw Choice a few steps from them : not a word had been spoken, when Choice presented a pistol, Webb begged him not to shoot : he immediately fired one shot, which did not take effect. He again presented the pistol and fired a second time. The ball entered the body of Webb, and he exclaimed, I am a dead man. After which he walked a few steps and fell dead.

This summary of the substance of the facts connected with the killing presents *prima facie* a most unprovoked and aggravated case of murder. The deceased on the night previous had only discharged his duty as a public officer, for this, the defendant had cursed and abused him, and on meeting him next day, without the slightest provocation, he drew his pistol, and deliberately took the life of the officer. If pardons are to be extended in such cases, what protection does the law afford to public officers, and what encouragement have they, faithfully to discharge their duties ? It is said however, that the defendant was insane at the time the act was committed, and not therefore legally or morally responsible for his conduct. If the fact exist, the conclusion naturally follows; was he insane ? The law presumes that he was of sane mind, till the contrary is proven, and when the fact that the homicide was committed by him is established, the burden of proving the insanity is cast upon the defendant. Evidence was introduced before the court and Jury who tried the case, to sustain this plea. The learned and able Judge in a clear and forcible manner expounded to the Jury, the rules of law, by which they were to be governed in the investigation. They applied the evidence to these rules of law, and by their verdict of guilty, decided that the plea of insanity had not been sustained. After a careful examination of the evidence in the case, and a long personal acquaintance with the defendant, I am satisfied that the decision was correct, and that the insanity was only the temporary phrenzy which is produced by a fit of intoxication, which by the express terms of our statute is declared to be no excuse for any crime or misdemeanor. It may have been true that the defendant on account of injuries received upon his head some years since, had some predisposition to insanity, and that he was on that account more easily excited by the use of intoxicating liquors, but I entertain no doubt that the excessive use of these stimulants was the exciting, and immediate cause of mental derangement at the time of the killing. In a word, the defendant was drunk, and his reason was, for the time dethroned by his intoxication. He was in the habit of indulg-

ing to excess, and on these occasions, he is said by the witnesses have been a very dangerous man. Since the commission of the offence he has been confined in prison and denied the privilege of his former excesses, and it seems that nothing more has been heard of his insanity. If, on account of his wounds received years since, his predisposition to insanity was such, that excitement alone would produce it, why have the exciting scenes through which he has passed since his imprisonment, and during his trial, failed to have that effect? If on account of mental derangement produced by his own voluntary act, he is to be excused for recklessly taking the life of an innocent human being, and again turned loose upon the community, what guaranty have we that another victim may not soon fall by his hands in a like fit of voluntary madness?

In determining a question of the character of the one now under consideration, I should be unfaithful to the high trust reposed in me, if I should permit my reason to be overcome by my sympathy.

No act of my life has been more unpleasant than the one I now perform. No one has a higher appreciation of the character of the relatives of the defendant, and no one would more sincerely rejoice to be able to soothe the feelings of a mother whose heart, pierced with anguish, now languishes with untold grief. But if it were proper for me on this occasion, to be influenced by considerations of this nature, I should do wrong, were I to contemplate the sufferings on one side, and refuse to look upon the picture of misery on the other.

A few months since the family of Webb, the deceased, was comfortable and happy. His wife and little children had the care and protection of a fond husband and a kind father; but in a moment of time by the cruel act of the defendant, the wife a widow, and the children orphans, were left to mourn their irreparable loss, and were thrown upon the cold charities of the world almost friendless and penniless to make their way through life as best they can, poor and neglected. But duty forbids that I should be influenced by the contemplation of this scene of misery on either side. The laws must be vindicated, and crime must be punished, or society cannot be protected, and Courts and Juries must be sustained in the administration and execution of the criminal laws of the land, or violence and bloodshed will prevail to an extent that will excite and prompt our people to take the law into their own hands, in the belief that it is the only protection left them.

I am not unmindful, while making this decision, that the pardoning power is a necessary one, in every well regulated government, and that there are some cases in which it ought to be exercised, as in cases of partiality, prejudice or high-

ly excited feelings, on the part of the Court or Jury, by whom the case was tried, rendering it highly probable that injustice was done the defendant, or on account of perjury or mistake on the part of any of the witnesses for the State, which is afterwards discovered, and which may have materially influenced the verdict against the defendant, or in cases of conviction upon such slight evidence that the mind is left in great doubt about the guilt of the defendant, or in cases of extreme youth—in these and possibly a few other instances, when injustice is likely to be done, and when the remedy is no longer within the reach of the Courts, the humanity of our Constitution has wisely vested in another department of the government ample power to prevent the injustice, by extending a pardon, and thus arresting the judgment of the Court. But it should not be forgotten that this power is subject to be greatly abused, and that it was not the intention of those who formed our Constitution, that the verdicts of Juries and the judgments of Courts should be indiscriminately annulled by its exercise, and felons convicted of atrocious crimes thereby turned loose again upon the community; the extension of mercy to such offenders is the infliction of cruelty and injustice upon society. I am also aware that it is argued that the pardoning power is a Godlike power, and that is noble to exercise it. But it should not be forgotten when this argument is used, that God himself required no less than the blood of his own Son as an atonement for sin before he exercised the pardoning power, and “without the shedding of blood is no remission,” is the language of his eternal truth. God has said in his revealed law, “that the murderer shall surely be put to death,” “moreover ye shall take no satisfaction for the life of a murderer, which is guilty of death: but he shall be surely put to death. So ye shall not pollute the land whereon ye are, for blood it defileth the land, and the land cannot be cleansed of the blood that is shed therein, but by the blood of him that shed it.” If then we would respect the revelation of God, and have our land from the stain of innocent blood, we must execute the law and punish the guilty. Some may say that the stern truths of the Bible are not suited to the humanity and sympathy of the present age, they are none the less truths, however, on that account, and it is none the less certain that the curse of God, will rest upon that State or nation which disregards them, and that his blessings will attend those who obey them.

JOSEPH E. BROWN.

The hour of adjournment having arrived, the President adjourned the Senate until 3 o'clock, P. M.,

3 O'CLOCK, P. M.

The Senate met, according to adjournment.

The Senate took up as the report of the Committee of the Whole,

A bill, to be entitled an act for the pardon of John Fundy, now under sentence of death for the crime of murder.

On motion, the same was made the special order for Saturday next.

Mr. Briscoe moved, that the Secretary be directed to transmit forthwith, to the House of Representatives,

A bill, to be entitled an act to authorize the consolidation of the stock of the Milledgeville and Gordon Rail Road with the Central Rail Road, and for other purposes.

Upon agreeing to which motion, the yeas and nays were required and were yeas 89, nays 19.

Those who voted in the affirmative, were Messrs.

Alfred, Bartlett, Batts, Billups, Boggs, Briscoe, Burnett, Byars, Carter, of Elbert, Chester, Collier, Cook, Cone, Cowen, DeLoan, Donaldson, Flewellen, Fulton, Gartrell, Glover, Greer, Grice, Griffin, of Brooks, Griffin, of Twiggs, Hackett, Hall, Hart, Harris of Worth, Harvin, Head, Hightower, Hill, of Sumter, Hill, of Troup, Hill, of Wilkes, Hines, Holt, Hood, Hutchins, Ivey, Jamison, Johnson, of Chattahoochee, Johnson, of Clayton, Johnson, of Cass, Jones, King, Kirby, Lawton, Lockhart, Lott, Matthews, Merrill, McGeehee, McCleod, Moore, of Whitfield, Morrill, Oliver, Paine, Poole, Printup, Pruitt, Reid, of Morgan, Reid of Taliaferro, Riley, Robinson, Roberts, Rushin, Sawyer, Shelton, Shellnut, Sheppard, Sirman, Smith, of Hancock, Smith, of Talbot, Snell, Stowers, Sweat, Tarver, Trippe, Usry, Walker, Wallace, Ward, Wellborn, Wells, White, Whitehurst, Whitworth, Williams, of Rabun, Williams, of Terrell, Wilson, Wynne.

Those who voted in the negative, were Messrs.

Atkinson, Barclay, Bond, Brown, Cannon, Carter, of Echols, Cloud, Davis, Evans, Hyde, Maples, McDuffie, McRae, Quilpin, Ritch, Seward, Summerour, Tracy, Young.

So the motion prevailed.

The following message was received from the House of Representatives, by Mr. Diamond, their Clerk.:

Mr. President: The House of Representatives have passed the following bills, viz:

A bill, to appropriate money toward building a Turnpike and Bridge over Spring Creek, in Miller county,

A bill to change the lines between the counties of Irwin and Coffee, also between Taylor and Schley, and also between Cobb and Paulding.

Also a bill, to constitute the town of Cuthbert, in Randolph county, a city, and for other purposes.

The Senate took up as the report of the Committee of the Whole :

A bill, to be entitled an act for the relief of William D. Rigdon, of Charlton county, and for other purposes.

The report was agreed to, the bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole,

A bill to be entitled an act to authorize Jabez H. Whitesey to practice Medicine on the Homœopathic system, and charge and collect for the same.

On motion, the same was postponed indefinitely.

Mr. Johnson, of Clayton, Chairman of the committee on new counties, made the following report :

The committee on new counties and county lines, have had under consideration,

A bill, to be entitled an act to lay out and organize a new county out of the counties of Carroll and Campbell, and report the same back to the Senate, and recommended that it do not pass.

The Senate took up, as the report of the Committee of the Whole,

A bill, to be entitled an act for the relief of Joseph A. B. Duce, of Terrell county.

On, motion, the same was postponed indefinitely.

The Senate took up, as the report of the Committee of the Whole,

A bill, to be entitled an act to repeal an act entitled an act to authorize the election of Marshal, for the town of Newnan, in the county of Coweta, in the same way and manner as Commissioners for said town are elected, by law, approved February 17th, 1854.

The report was agreed to, the bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole,

A bill, to be entitled an act to incorporate the town of Statenville, Echols county, and to provide for the government of the same.

The report was agreed to, the bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole,

A bill, to be entitled an act to authorize Nicholas Grice, of Merriwether county, an infirm person, to peddle in Merriwether county, without paying for the privilege of so doing.

The report was agree to, the bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole,

A bill, to be entitled an act to relieve Edward J. Murrhee, from paying poll tax, of the county of Charlton.

On motion, the same was postponed indefinitely.

The Senate took up, as the report of the Committee of the Whole,

A bill, to be entitled an act for the relief of Henry Henson, and Elias Killpatrick, of the county of Towns.

The report was agreed to, the bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole,

A bill, to be entitled an act to change the line between the counties of Union and Fannin.

The report was agreed to, the bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole,

A bill, to be entitled an act to compensate the Sheriff of Franklin county, for summoning Grand and Petit Jurors of said county, and for other purposes.

The report was agreed to, the bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole,

A bill to be entitled an act to incorporate the Cane Creek Hydraulic Hose Mining Company.

The committee on Internal Improvements, to whom said bill was referred, moved to amend the report, by adding the following additional sections to said bill, to-wit:

And be it further enacted, By the authority aforesaid, that Hezekiah Kelly, Reuben S. Denny, Arthur M. Eastman, and their associates, be, and they are hereby made a body politic and corporate, under the name and style of the "Etowah and Battle Branch Hydraulic Mining Company," with all the privileges, rights and immunities, except so far as relates to the draining of Cane Creek, and shall be subject to all the liabilities and restrictions contained in the several sections of the before recited act, and whose capital stock shall be one hundred thousand dollars, with the privilege of increasing the same to five hundred thousand dollars.

And be it further enacted, That the said Etowah and Battle Branch Hydraulic Mining Company shall have the right

and privilege to make and construct all channels, ditches, canals and aqueducts necessary for the purpose of diverting the waters of Mill Creek, Lilley's Creek, and Fletcher's Creek from their natural channels, to be used for the purpose of said Company, in mining or working for gold, or any other valuable mineral, according to the Hydraulic process, in the county of Lumpkin, in said State, by complying with the provisions of the before recited act; which was agreed to.

The report as amended was agreed to, the bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole,

A bill, to be entitled an act to lay out and organize a new county, from the counties of Polk, Floyd, Cass and Paulding.

On motion, the same was postponed indefinitely.

The Senate took up, as the report of the committee of the whole,

A bill, to be entitled an act to reduce the Sheriff's bond, in the county of Irwin, and for other purposes.

The report was agreed to, the bill was read the third time and passed.

The Senate took up, as the report of the committee of the whole,

A bill, to be entitled an act to authorize William Ford of Mitchell county to peddle without a license.

Mr. Morris moved to amend the report by adding an additional section, authorizing Russel J. Powell, an infirm man, of the county of Franklin, to peddle in the county of Franklin, without a license; which was agreed to.

Mr. Hall moved further to amend the report, by inserting the following words in the first section: "and that the same privileges be extended to Moses W. Graham, and Charles Findley, of Merriwether county"; which was agreed to.

The report as amended was agreed, to the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill, to be entitled an act to authorize the Administrators of the estate of the late Toliver Jones, of the county of Harris, to sell all the lands belonging to the said estate, lying in the counties of Harris, Muscogee and Talbot, at the Court House, in the county of Harris.

The report was agreed to, the bill was read the third time and passed.

The Senate took up, as the report of the committee of the whole,

A bill, to be entitled an act to confer certain rights and

powers on Absolam E. Roberts, Administrator of Robert J. Culbreath, of Walton county, deceased.

The report was agreed to, the bill was read the third time and passed.

The Senate took up, as the report of the committee of the whole,

A bill, to be entitled an act for the relief of John Farmer and William Stoll, securities on the appearance bond of Newton Freeman, of the county of Gilmer.

The report was agreed to, the bill was read the third time and passed.

The Senate took up, as the report of the committee of the whole,

A bill, to be entitled an act to suspend a part of the eighth section of an act entitled an act to provide for the education of the children of this State, between certain ages, and to provide an annual sinking fund for the extinguishment of the Public Debt, for the year 1859, so far as relates to the county of Greene, and to authorize the Ordinary of said county, to pay over to all the teachers of said county, the school funds belonging to said county, for said year.

Mr. Briscoe moved to amend the report, by adding the following additional section:

And be it further enacted, that the Ordinary of Baldwin county, be, and he is hereby authorized to pay out of any money now in his hands for educational purposes, not otherwise appropriated, such an amount as may be due to Mrs. Mary Ann Barnett, for the tuition of poor children in said county for the years 1857 and 1858; also such an amount as may be due to Miss Carrie Fair, for tuition of poor children, for the year 1858, in said county, provided, that should the same rights and privileges be extended to other teachers, by Legislative enactment, and there should be an insufficiency of funds in the hands of the Ordinary, to pay each and all, then that each receive a pro rata distribution of the funds on hand, according to the amount of accounts, as proven.

The report as amended was agreed to, the bill was read the third time and passed.

The hour of adjournment having arrived, the President adjourned the Senate, until 7 o'clock, P. M.

7 O'CLOCK, P. M.

The Senate met according to adjournment.

The Senate took up the following bills, which were severally read the second time, and referred to the Committee of the Whole.

A bill, to be entitled an act to amend an act facilitating mining for gold, in the county of White, assented to December 13th, 1858.

Also a bill, to be entitled an act to repeal an act to consolidate the office of Clerk of the Superior and Inferior Courts, in the county of Haralson, assented to December 22nd, 1857, and for other purposes.

Also a bill, to be entitled an act to correct and perfect the plot and grant to lot of land number 142, in 4th District of originally Appling, now Pierce county.

Also a bill, to be entitled an act to provide compensation to Coroners, for burying insolvent persons.

Also a bill, to be entitled an act to change the county line between the counties of DeKalb and Henry.

Also a bill, to be entitled an act to require certain offices, in Emanuel county, to be kept at county site, and for other purposes, &c.

Also, a bill to be entitled an act to repeal a portion of the 8th section of an act, approved December 11th, 1858, so far as the same applies to Emanuel county.

Also, a bill to be entitled an act to change the time of holding the Inferior Courts of Emanuel county.

Also, a bill to be entitled an act to repeal all former acts in regard to the compensation of Grand and Petit Jurors, and the issuing of jury certificates, so far as the same applies to the county of Lumpkin, and further to provide for the compensation of the Grand and Petit Jurors of said county of Lumpkin, and for other purposes therein named.

Also, a bill to be entitled an act to require the several Treasurers of the several school districts of the county of Lumpkin, to return the unexpended balances of the school fund now in their hands, to the Ordinary of said county, and for other purposes therein named.

Also, a bill to be entitled an act for the relief of William H. Autrey, of the county of Milton.

Also, a bill to be entitled an act to pay the Sheriffs of the several counties of this State for certain services, and for other purposes.

Also, a bill to be entitled an act for the relief of Solomon Newsom and Troup A. A. Bryan, of Lowndes county.

Also, a bill to be entitled an act to vest the lot and academy buildings, in the town of Thomasville in the Inferior Courts of Thomas county, and for other purposes.

Also, a bill to be entitled an act for the relief of Samuel Webb, of the county of Early.

Also, a bill to be entitled an act to repeal the 5th section of an act to change and fix the time of holding the Superior Court of the county of Lumpkin, and to authorize the drawing and summoning of two pannels of Grand and Petit

Jurors, for said Courts, and for other purposes, approved 11th Dec., 1858.

Also, a bill to be entitled an act to authorize the Inferior Court of Glasscock county to appoint school commissioners in the several districts of said county, and for other purposes.

Also, a bill to be entitled an act to authorize George Underwood of the county of Glasscock, to pay over to and settle with William M. Thompson a minor, his ward, and for other purposes.

Also, a bill to be entitled an act to amend the act incorporating the town of Bainbridge, and to grant certain privileges to the same.

Also, a bill to be entitled an act to authorize clerks of the Superior Courts of this State, to appoint assistant or deputy clerks to aid them in taking testimony in and other criminal cases.

Also, a bill to be entitled an act to authorize and require the Ordinary of DeKalb county, to pay over to G. W. Lathram, the sum of \$192 89 cents for teaching poor children of said county, in the years 1856 and 1857, out of the school fund of said county.

Also, a bill to be an act to prescribe the mode of laying out private ways, and for other purposes, so far as relates to the county of Henry.

Also, a bill to be entitled an act to make the selling or furnishing in any way spirituous or intoxicating liquors of any kind, pistols, dirks, bowie knives, sword canes or any other deadly weapon of like character, to a school boy, student or minor, a misdemeanor.

Also, a bill to be entitled an act to alter and change the lines between the counties of Twiggs, Jones, &c.

Also, a bill to be entitled an act to authorize the extension of the South Western Railroad, &c.

Also, a bill to be entitled an act to authorize the school commissioners of Rabun county, to pay G. M. Gunter for teaching poor children for the year 1859.

Also, a bill to be entitled an act to incorporate the Jefferson Blues, and to grant other certain powers.

Also, a bill to be entitled an act to pardon John W. Martin who is now confined in the Penitentiary for life.

Also, a bill to be entitled an act to compensate the Tax Receiver of Marion county

Also, a bill to be entitled an act to exempt practicing physicians in the county of Jefferson, from jury duty.

Also, a bill to be entitled an act to amend an act entitled an act, for the better protection and security of Orphans and their estates, approved Feb. 18th, 1799.

Also, a bill to be entitled an act to authorize Stephen Ellis, a poor old man of the county of Gwinnett, as an itinerant

trader to vend any goods, wares or merchandize within the county of Gwinnett, without obtain license for the same.

Also, a bill to change the line between Talbot and Merriwether counties.

Also, a bill to be entitled an act to add a portion of Dougherty to Worth county.

Also, a bill to be entitled an act to amend an act of 1835, incorporating the town of Lafayette in Walker county, and for other purposes.

Also, a bill to further regulate the retail of spirituous liquors.

Also, a bill to be entitled an act to compel persons owning five hundred or more acres of land in certain portions of Montgomery and Telfair counties, to give in and pay taxes on the same in said counties.

Also, a bill to be entitled an act to incorporate the Calhoun and Rome Railroad Company, and to grant certain powers and privileges to said Company.

Also, a bill to authorize Robert B. Davis, to peddle in the counties of White and Hall without license.

Also, a bill to be entitled an act to incorporate the Dalton Guards, and to confer upon them certain powers and privileges.

Also, a bill to be entitled an act to grant a lien on all sawed lumber, in and for the county of Decatur.

Also, a bill to be entitled an act to repeal an act of 1853 and 1854, so far as the county of Decatur is concerned.

Also, a bill to be entitled an act amendatory of an act entitled an act to incorporate the trustees of the Botanic Medical College.

Also, a bill to be entitled an act to change the lines between the counties of Laurens and Johnson.

Also, a bill to be entitled an act to authorize Alexander K. Leonard Guardian of Michael W. Harvey, to pay and deliver to the said Michael W. Harvey the estate of him, the said Michael W. Harvey, in the hands of said Guardian.

Also, a bill to be entitled an act to add an addition clause to the 24th section of the Constitution of this State.

Also, a bill to be entitled an act to alter and amend an act to provide for the education of the children of this State between certain ages, and to provide an annual sinking fund for the extinguishment of the public debt, assented to December 11th, 1858.

Also, a bill to be entitled an act to compensate the Sheriff of Terrell county, for summoning jurors.

Also, a bill to be entitled an act to incorporate the Beth Hill Academy in the county of Emanuel.

Also, a bill to be entitled an act to amend the 33d section

the judiciary act of 1799, in relation to the advertisement Sheriff's sales.

Also, a bill to be entitled an act to incorporate the Georgia Internal Improvement Association.

Also, a bill to be entitled an act to authorize the Ordinaries of Columbia and Whitfield counties to pay certain poor school claims, for the years 1856-7-8, and for other purposes therein named.

Also, a bill to be entitled an act to incorporate the Marietta Paper Mill Company, and for other purposes.

Also, a bill to be entitled an act to provide for the calling a Convention, to reduce the General Assembly, &c.

Also, a bill to be entitled an act to alter and amend an act to submit the question of the removal of the county site, of Montgomery county to the voters of said county, and to carry out the will of the majority.

Also, a bill to be entitled an act to take the Interrogatories of Clewis, in the case of the State vs. Richard Clewis, a charge of arson, in Crawford county.

Also, a bill to be entitled an act to amend the charter of the Ellijay Railroad Company, and for other purposes.

Also, a bill to be entitled an act to prevent free person of color commonly known as free negroes, from coming into the State of Georgia.

Also, a bill to be entitled an act to incorporate the Jacksonville Medical Society of Oglethorpe Medical College at Savannah.

Also, a bill to be entitled an act to amend an act, assented December 13th, 1858, and for other purposes therein mentioned.

Also, a bill to be entitled an act to incorporate the Columbus and Whiteville Railroad Company.

Also, a bill to be entitled an act to authorize the Governor of this State, to cause to be established at some accessible and convenient place in this State, a State foundry, and for other purposes therein mentioned.

The Senate took up the following bills, which were severally read the second time and referred to the Committee on Banks.

A bill to be entitled an act to incorporate a Bank in the City of Marietta, to be called the Bank of Marietta, and for other purposes.

Also, a bill to be entitled an act amendatory of the act of 1857 entitled an act to provide against the forfeiture of several Bank charters in the State, on account of non-pecie payment for a given time, and for other purposes therein named, and declaratory of the true meaning of certain sections of the same.

The Senate took up the following bills, which were severally read the second time and referred to the committee on Judiciary.

A bill to be entitled an act to add an additional section to the Penal Code, and allow negro testimony in certain cases.

Also, a bill to be entitled an act to prevent complainants in Equity causes, from dismissing their suits if objected to by defendant, and for other purposes.

The Senate took up the following bills, which was read the second time and referred to the committee on New Counties and County Lines.

A bill to be entitled an act to change the line between the counties of Coweta and Campbell, &c.

Also, a bill to be entitled an act to lay out and organize a new county, from the counties of Chattooga and Walker.

The Senate took up the following bills of the House of Representatives, which were severally read the second time and referred to committee of the whole.

A bill to be entitled an act to charter the Port Royal Rail Road company.

Also, a bill to be entitled an act to amend the charter of the town of Washington, in Wilkes county.

Also, a bill to be entitled an act to reduce work on Roads in the county of Wilcox.

Also, a bill to be entitled an act authorizing the Inferior Court of Schley to levy an extra tax for county purposes.

Also, a bill to be entitled an act to authorize the Inferior court of Tattnal to levy an extra tax for county purposes.

Also, a bill to be entitled an act to prescribe the duty of the Judge of the Superior Court of the county of Stewart in relation to Petit Jurors of said court and for other purposes.

Also, a bill to be entitled an act to require securities and endorsers when they give notice, to do so in writing.

Also, a bill to be entitled an act so amend the judiciary act of this State approved the 16th day of February 1799, and to require the several Clerks of the Superior, Inferior and Corporation courts of the county of Richmond in this State to enter all appeals of causes tried in any of said courts in a separate book to be provided for that purpose.

Also a bill to be entitled an act to incorporate a Mining Company in Carroll county and in other counties in the State of Georgia.

Also, a bill to be entitled an act to repeal an act amendatory of the 10th section of the 10th Division of the Penal Code of Georgia, and for other purposes.

Also, a bill to be entitled an act to prescribe the time of holding elections for members of the Senate in the Congress of the United States, from the State of Georgia.

Also, a bill to be entitled an act to provide for the probating of wills by commission from the Ordinary with interrogatories attached and to make it lawful for the Ordinaries of this State to grant commission to take testimony by interrogatories in any cause that may be pending said courts of Ordinary under the same restrictions, terms and conditions as are now prescribed by law for the taking of testimony by commission in the Superior and Inferior courts of this State and for other purposes therein mentioned.

Also, a bill to be entitled an act, to make Justices of the Peace in the several militia districts in the county of Jasper ex-officio road and patrol commissioners.

Also, a bill to be entitled an act to add a part of Montgomery county to Laurens county.

Also, a bill to be entitled an act, for the relief of John W. Cardwell of the county of Morgan, and Tomlinson Fort of the county of Baldwin.

Also, a bill to be entitled an act for the relief Reuben Cloud, of Decatur county.

Also, a bill to be entitled an act, for the relief of Mary Frances Nunar of the county of Bibb, and for other purposes.

Also a bill to be entitled an act to incorporate the Eaton and Madison Railroad.

Also, a bill to be entitled an act to incorporate the Floyd Cavalry company, and for other purposes.

Also, a bill to be entitled an act to authorize Samuel Irvin of the county of Clayton to practice medicine.

Also, a bill to be entitled an act to reduce the rates of freight on lime, salt, Guano and all other fertilizers carried over the Western and Atlantic Railroad, where the same are to be used exclusively for agricultural purposes.

Also, a bill to be entitled an act to protect the legacy left by the last will and testament of William D. Martin deceased for the benefit of the society at Jefferson, Jackson county, Georgia, of the Methodist Episcopal Church South, and for other purposes.

Also, a bill to be entitled an act to change the time of holding the election for county officers in this State.

Also, a bill to be entitled an act, to regulate the fees of Jurors in Justices courts in the counties of Catoosa and Dade.

Also, a bill to be entitled an act to attach lots of land, No. 51, and 55, in the seventh district of Randolph county to the county of Clay.

Also, a bill to be entitled an act to incorporate the town

of Bowden in the county of Carroll, and for other purposes therein mentioned.

Also, a bill to be entitled an act to change the lines between the counties of Appling and Coffee.

Also, a bill to be entitled an act to alter and amend the road laws of this State, so far as relates to the counties of Cherokee and Columbia.

Also, a bill to be entitled an act for the relief of J. E. McMullen, of Echols county.

Also, a bill to be entitled an act to repeal an act to amend the road laws of this State so far as relates to the county of Coffee.

The Senate took up the following bills of the House of Representatives, which were severally read the second time and referred to the committee on the Judiciary:

A bill to be entitled an act to amend the act establishing the Supreme court of Georgia.

Also, a bill to be entitled an act to allow and make compensation to the Reporter of the Supreme court for certain volumes of the decisions of said court furnished by him under the provisions of the act of 1845.

The Senate took up the following bill of the House of Representatives which was read the second time, and referred to committee on the Deaf and Dumb Asylum.

A bill to be entitled an act to provide for the bi-ennial election of the principal teacher of the Georgia Institution for the Deaf and Dumb, and for other purposes. •

On motion of Mr. Pruitt the rule was suspended and the Senate took up the following bill of the House of Representatives.

A bill to be entitled an act, to authorize the Inferior court of Banks county to submit the question of the location of their county site to the citizens of said county, and to have an election held therefor, and for other purposes, which was read the first time.

Mr. Paine from the committee on enrollment, reports as duly enrolled, signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate,

An act to protect and encourage the erection of artificial fish ponds and to make any trespass upon the same penal and for other purposes.

Also, an act to allow Nicholas A. Long of the State of Florida to obtain letters testamentary according to the laws

now of force in this State upon the estate of John Long deceased, of Washington county.

Also a resolution to authorize the Governor to subscribe for copies of the public laws, in pamphlet form, of the present session.

The hour of adjournment having arrived, the President adjourned the Senate until 9 o'clock, to-morrow morning.

FRIDAY, NOVEMBER 2D, 1859.

The Senate met according to adjournment.

Messrs. Atkinson and Fulton asked permission to change their votes on the passage of

A bill to be entitled an act to repeal all laws under and by authority of which peddlers and itinerant traders have been permitted to pursue their occupation in this State, and for other purposes therein mentioned, which was granted.

Mr. Williams of Terrell, moved to reconsider so much of the Journal of yesterday as relates to the vote by which

A bill to be entitled an act for the relief of Joseph A. B. Duce, was indefinitely postponed, which was lost.

The following Message was received from the House of Representatives by Mr. Diamond, their Clerk :

Mr. President : The House of Representatives have passed the following bills :

A bill to alter and amend an act passed on the 22d day of December, 1857, entitled an act to encourage persons making a will, to provide a permanent fund for the Collegiate preparation and education of indigent boys and young men.

A bill to authorize the Ordinary of Campbell county to pay A. P. McCook for the teaching of poor children for the year 1858, &c.

A bill to amend an act entitled an act to change certain county dues therein mentioned; Approved March 1st, 1856.

A bill to exempt practicing Physicians of the county of Appling, from Jury duty.

A bill to authorize the Mayor and Council of the city of Macon, to lease a portion of the Public Reserve lying below said city, to be used as a brickyard, and for other purposes therein mentioned.

Mr. Harris of Dougherty, from the committee on enrollment, reports as duly enrolled and ready for the signature of the President of the Senate :

An act to incorporate the Clarke county Agricultural Society, and to confer certain powers and immunities on the same.

Also, an act authorize a A. C. Trimble, administrator of Andrew M. Hamilton, deceased, to sell the negroes of his intestate on the first Tuesday in January next.

Also, an act to authorize the Ordinary of Habersham county, to grant letters of Guardianship on the estate of Susan S. Hackett.

Also, an act to prevent the sale of spirituous liquors within the town of Fayetteville, in Fayette county, only on conditions therein named.

Also an act to extend the charter of the Planters Bank of the State of Georgia, and for other purposes therein named.

Also, an act to authorize the marriage of Lawson Cody and Frances E. Cody, and for other purposes.

Also, an act to authorize Guardians of certain persons to be made parties to suits brought by deceased Guardians.

Also, an act to prohibit persons from poisoning fish in the water courses of Irwin county, for the purpose of killing fish.

Also, an act to add the county of Wilcox to the second Congressional District.

Also, an act to confer other powers than those now granted to the Augusta Orphan Asylum.

Also, an act to make valid all letters of administrations heretofore granted by the Ordinary Courts of this State, when written notice of such application have not been given at the Court House door of said county as required by law

Also, an act to define and enlarge the corporate privileges heretofore granted to the first Presbyterian Church of Augusta.

Also, an act to incorporate the Thomasville Manufacturing Agricultural and Commercial Association, and for other purposes.

Also, an act to alter and amend the act incorporating the town of Lincolnton, and the several acts amendatory thereof, to confer additional powers upon the commissioners in relation to raising revenue, the preservation of good order, the regulation of license for vending spirituous liquors, prescribing the qualification of voters, and for other purposes.

Also, an act to constitute and declare Margaret Marshall Barclay the adopted daughter of Mary M. Marshall, of the county of Chatham, the heir of said Mary M. Marshall, and

to enable her to inherit the property of the said Mary M. Marshall, and for other purposes.

The following Message was received from the House of Representatives by Mr. Diamond, their Clerk :

Mr. President : The House of Representatives have passed the following bills :

A bill to change the corporate limits of the city of Americus, &c.

A bill for the relief of practicing Physicians in the county of Monroe.

A bill to incorporate the Quitman Guards, and Delhigh Rangers, &c.

A bill to amend an act entitled an act to authorize the Justices of the Inferior Court of Pickens county to levy and collect an extra tax, &c.

A bill to amend an act to protect religious societies, in the exercise of their religious duties, approved December 13th, 1792.

A bill to authorize the Ordinary of Henry county, to pay to William W Campbell tuition money for poor children for the year eighteen hundred and fifty-seven.

A bill to alter and amend the several acts in relation to the Bibb county Academy, and to change the name of the same.

A bill to alter and amend the road laws of this State, so far as relates to the counties of Lumpkin and Schley.

A bill to amend an act to incorporate the city of Greensboro, to provide for its government, define its powers, and for other purposes therein mentioned ; approved March 5th, 1856.

A bill to incorporate the Georgia Baptist Bibb and Colporteur Society

A bill to incorporate the Board of Trustees, of the Mount Vernon Association of Baptist Churches, &c.

A bill to incorporate the Owl Town and Coosa Creek Mining Company, &c.

A bill for the relief of Mrs. Isabella Adams, of the county of Murray

Mr. Harris of Dougherty, from the committee on enrolment, reported as duly enrolled, and signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate :

An act to incorporate the Bainbridge and Florida Rail Road Company, and to incorporate the Monticello Branch Rail Road Company.

On motion of Mr. Lawton the rules were suspended, and the Senate took up an act to pardon William A. Choice,

of the county of Fulton, now under the sentence of death for the crime of murder, which was vetoed by his Excellency the Governor, pending the consideration of which the hour of adjournment having arrived, the President adjourned the Senate until 3 o'clock, P. M.

THREE O'CLOCK. P. M.

The Senate met according to adjournment.

The Senate resumed the consideration of the unfinished business of the morning, which was,

An act for the pardon of William A. Choice, of the county of Fulton, now under sentence of death for the crime of murder, which was vetoed by his Excellency the Governor, and upon the question, "shall this act pass" by a constitutional majority over the veto of his Excellency, the Governor, the yeas and nays were recorded, and were yeas 63, nays 45.

Those who voted in the affirmative were Messrs.

Atkinson, Barclay, Bartlett, Batts, Billups, Boggs, Briscoe, Brown, Byars, Cannon, Carter of Elbert, Chester, Cook, Crittenden, Davis, Evans, Flewellen, Grice, Griffin of Brooks, Hackett, Harris of Dougherty, Harris of Worth, Harvin, Head, Hill of Sumter, Hill of Troup, Hines, Holt, Johnson of Chattahoochee, Johnson of Clayton, Johnson of Cass, Jordon, King, Kirby, Lawton, Lockhart, Lott, Maddox, Maples, McDuffie, McGehee, McLeod, McRea, Paine, Printup, Pruitt, Reid of Taliaferro, Rushin, Seward, Sirman, Smith of Hancock, Stowers, Summerour, Tarver, Tracy, Trippe, Usry, Walker, Ward, Wellborn, Whitehurst, Williams of Berrien, Williams of Terrell.

Those who voted in the negative are Messrs.

Allred, Bond, Cloud, Collier, Cooper, Cowen, DeLapierre, Denham, Donaldson, Fulton, Gartrell, Glover, Green, Griffin of Twiggs, Hall, Hart, Hightower, Hill of Wilkes, Hitchcock, Hood, Hutchins, Hyde, Ivey, Jamison, Jones, Lenoir, Matthews, Merrill, Moore of Whitfield, Morris, Oliver, Quillian, Roberts, Sawyer, Shellnut, Sheppard, Smith of Talbot, Snell, Wallace, White, Whitworth, Williams of Rabun, Wilson, Wynne, Young.

So there not being a constitutional majority the bill was lost,

Mr. Seward moved to suspend the rules for the purpose of offering a resolution, which was agreed to.

Mr. Seward offered the following resolution, which was read :

Resolved, By the Senate, That when the House of Representatives shall signify its willingness to receive it in General Assembly, the Senate will meet that body to take into consideration the propriety of granting pardon to William A. Choice, now under sentence of death on the charge of murder, in the county of Fulton.

Mr. Collier raised a point of order upon the right of the Senate to entertain the foregoing resolution, the same subject matter having been rejected by the Senate.

The President of the Senate decided that the resolution was not repugnant to the sixteenth section of the first article of the Constitution of this State, and could be entertained by the Senate.

Mr. Seward moved to agree to the resolution, upon agreeing to which motion Mr. Collier required the yeas and nays, which being recorded were yeas 52, nays 51.

Those who voted in the affirmative were Messrs.

Barclay, Bartlett, Billups, Boggs, Briscoe, Brown, Byars, Cannon, Carter of Elbert, Chester, Cloud, Cook, Davis, Evans, Flewellen, Griffin of Brooks, Hackett, Harris of Dougherty, Harris of Worth, Harvin, Hill of Sumter, Hill of Troup, Hines, Holt, Johnson of Chattahoochee, Johnson of Clayton, Johnson of Cass, King, Kirby, Lawton, Lockhart, Lott, Maddox, Maples, McDuffie, McLeod, McRea, Paine, Printup, Rushin, Seward, Sirman, Smith of Hancock, Stowers, Summerour, Sweat, Tarver, Tracy, Ward, Whitehurst, Williams of Berrien, Williams of Terrell.

Those who voted in the negative were Messrs.

Allred, Batts, Bond, Collier, Cooper, Cone, Cowen, DeLapierre, Denham, Donaldson, Gartrell, Glover, Green, Grace, Griffin of Twiggs, Hall, Hart, Head, Hill of Wilkes, Hitchcock, Hood, Hutchins, Hyde, Ivey, Jamison, Jones, Lenoir, Matthews, Merrill, McGhee, Moore of Whitfield, Morris, Oliver, Reid of Taliaferro, Roberts, Sawyer, Shellnut, Sheppard, Smith of Talbot, Snell, Trippe, Usry, Walker, Wallace, Wellborn, White, Whitworth, Williams of Rabun, Wilson, Wynne, Young.

So the resolution was agreed to.

Mr. Lawton chairman of the committee on the Judiciary made the following report.

The committee on the Judiciary, to whom was referred :

A bill to be entitled an act to regulate the agencies of Foreign Insurance companies, and to provide for the appointment of an Insurance Commissioner, report this bill back to the Senate with a substitute, and recommend that the substitute do pass.

Also, a bill to be entitled an act to regulate the issuing of marriage license in this State, to prescribe punishment for the violation of the provisions of this act, and for other purposes herein named, and they report this bill back to the Senate, and recommend that it do not pass.

Also, a bill to be entitled an act to provide a mode by which the Ordinaries may compel the more speedy distribution and settlement of estates in the hands of executors, administrators and guardians, and they report this bill back to the Senate and recommend that it do not pass.

Also, a bill to be entitled an act to alter and amend the law of descent in cases of persons who are illegitimate or born out of lawful wedlock dying intestate, and they report this bill back to the Senate and recommend its passage.

Also, a bill to be entitled an act to amend the claim laws of this State, and they report this bill back to the Senate and recommend that it do not pass.

Also, a bill to amend the habeas corpus laws of this State, and they report this bill back to the Senate and recommend that it do pass.

Also, a bill to be entitled an act to amend the road laws of this State, approved February 24th, 1827, and also an act entitled an act to protect the owners of lands or tenements, against intruders, and to provide a remedy for land owners in certain cases, approved Feb. 14th, 1854, and they report this bill back to the Senate and recommend that it do pass.

Also, a bill to be entitled an act to authorize Ordinaries of this State to act as executors, administrators, and guardians, in certain cases, and they report this bill back to the Senate and recommend that it do not pass.

Also, a bill to be entitled an act to define and enlarge the duties of county treasurers, and they report this bill back to the Senate and recommend its passage.

Also, a bill to be entitled an act to regulate the admission of evidence in the several Courts of Law and Equity, and before arbitrators in this State, and they report this bill back to the Senate recommend its passage.

Also, a bill to be entitled an act to repeal so much of an act approved March 6th, 1856, in relation to the destruction of deeds by fire, in so far as relates to cases pending at the time of the passage of this act, and they report this bill back to the Senate and recommend that it do not pass.

Also, a bill to be entitled an act to require two concurring opinions of at least two of the Judges of the Supreme

Court of this State, to make a decision in said Court, and they report this bill back to the Senate and recommend that it do not pass.

Also, a bill to be entitled an act to alter and amend the laws now existing in reference to the Supreme Court, and they report this bill back to the Senate, and recommend that it do pass with the amendment annexed thereto.

Also, a bill to be entitled an act to require in all cases the names of secret prosecutors to be endorsed on bills of indictment, and presentments of grand juries, and they report this bill back and recommend that the same do not pass.

Also, a bill to be entitled an act to declare the true intent and meaning of the twentieth section of an act entitled an act to carry into effect the amended Constitution in reference to Ordinaries of said State, and for other other purposes, assented to January 21st, 1852, and they report this bill back and recommend the same do pass.

Also, a bill to be entitled an act to abolish the Usury Law now of force in this State, so far as relates to promises in writing, when the rate of interest is expressed in the written promise to pay &c., and they report this bill back and recommend that the same do pass.

Also, a bill to be entitled an act to authorize parties in suits at law, and in equity in the Superior Courts of this State, to tax the costs of witnesses against the parties cost in the suit, and they report this bill back and recommend that the same do pass.

Also, a bill to be entitled an act to give a construction to and render more certain the 4th section of the statute of frauds and perjuries, so far as the same relates to any contract or sale of lands, tenements or hereditaments, or any interest in or concerning them, and they report this bill back to the Senate and recommend that it do not pass.

Also, a bill to be entitled an act to empower Ex-Judges of the Superior Courts to sign bills of exception in certain cases, and they report this bill back to the Senate, and recommend that it do pass with an amendment annexed thereto.

Also, a bill to be entitled an act to allow the Superintendants of all elections at precincts without the limits of a city, town, or village in this State, to close the polls of such election after the hour of four o'clock P. M., and for other purposes, and they report the same back to the Senate and recommend that the same do not pass.

Also, a bill to be entitled an act to expedite the progress of certain cases taken up to the Supreme Court by writ of error, and they report this bill back to the Senate and recommend that the same do not pass.

Also, a bill to be entitled an act to prevent delay in the

trial of causes in the courts of this State, in consequence of the death of parties, to authorize parties in certain circumstances to be made, on motion, and for other purposes, and they report this bill back to the Senate and recommend that the same do pass.

Also, a bill to be entitled an act to organize a new Judicial Circuit, to be called the "Oconee Circuit," and they report this bill back to the Senate without recommendation.

Also, a bill to be entitled an act to authorize James Boyd late Tax Collector of Telfair county, to make titles to land sold by him as Tax Collector, and they report this bill back to the Senate, and recommend that the same do pass.

Also, a bill to be entitled an act to alter and amend the 7th section of an act to amend the several Judiciary Acts now in force in this State, so far as relates to justices courts, approved Dec. 14th, 1811, and they report this bill back to the Senate and recommend that the same do not pass.

Respectfully submitted,

A. R. LAWTON, Chairman.

The Senate took up as the report of the Committee of the whole :

A bill to be entitled an act to incorporate the town of Moultrie, in the county of Colquitt, and for other purposes.

Mr. Printup moved to amend the report by adding the following as an additional section.

And be it further enacted, That an act entitled an act amendatory of the several acts incorporating the city of Rome in this State, approved January 22nd 1857.

Also sections third, fourth, an fifth of an act entitled an act to amend an act incorporating the city of Rome, be, and the same are hereby repealed, which was agreed to.

Mr. Harris of Dougherty moved further to amend the report by adding the following section,

Be it further enacted, by the authority aforesaid, That the Mayor and City Council of the city of Albany, in this State, shall have full power and authority to license persons to retail and to sell by retail, spirituous and malt liquors within said city, according to the ordinances thereof, and no person or persons shall sell by retail any spirituous or malt liquors within said city, without first obtaining such license.

Mr. Bartlett moved further to amend the report by adding the following sections.

Be it further enacted; &c., That the act incorporating the town of Mouticello in the county of Jasper, and the several acts and the several amendatory thereto, heretofore pass-

ed, and assented to, be so amended, that the corporate limits of said town be and the same are hereby extended three fourths of one mile in all directions from the court house situated in said town. *Provided*, the lands situated in said extended limits, except improved lots, the gardens, out buildings, and appurtenances thereunto attached, shall not be subject to be taxed by the authorities of said town.

That it shall be the duty of the commissioners of said town forthwith to cause the limits of said town to be surveyed by a competent surveyor, and the limits of the same be distinctly marked and defined.

That all conflicting laws be and the same are hereby repealed.

The report as amended was agreed to, the bill was read the third time and passed.

The Senate took as the report of the committee of the Whole.

A bill to be entitled an act to incorporate the Milledgeville Manufacturing Company.

Mr. Harris of Worth moved to amend the report by adding the following as an additional section.

Be it further enacted, that the stockholders, agents, or supervisors of said factory shall not have the power to contract with the parents or guardians of minors or with any minor themselves for work to be done in said factory after the hour of seven o'clock P. M.

Any person who shall violate the provisions of this section, shall be subject to a fine not exceeding five hundred dollars, or imprisonment in the common jail of Baldwin county, not exceeding sixty days, upon conviction on an indictment for a misdemeanor thereof, before the Superior Court of said county of Baldwin.

Upon agreeing to which the yeas and nays were required to be recorded, and were yeas 49, nays 43.

Those who voted in the affirmative were Messrs.

Alred, Barclay, Bartlett, Batts, Boggs, Brown, Cannon, Carter of Echols, Chester, Cloud, Cooper, Crittenden, Davis, Donaldson, Evans, Glover, Green, Grice, Griffin of Brooks, Hall, Harris of Dougherty, Harris of Worth, Hightower, Hines, Hood, Hutchins, Ivey, Johnson of Chattahoochee, Maddox, Maples, Mathews, McLeod, McRea, Morris, Poole, Quillian, Reid of Taliaferro, Riley, Ritch, Roberts, Sawyer, Sirman, Snell, Tracy, Whitworth, Williams of Rabun, Williams of Terrell, Wynne. Young.

Those who voted in the negative were Messrs :

Atkinson, Billups, Bond, Briscoe, Collier, Cook, Cone,

Delapierre, Denham, Fulton, Gartrell, Griffin of Twiggs, Head, Hill of Wilkes, Hitchcock, Holt, Hyde, Johnson of Clayton, Jones, Jordan, Lawton, Lenoir, Lockhart, Merrill, McDuffie, McGehee, Oliver, Pruitt, Rushin, Seward, Shellnut, Sheppard, Smith of Hancock, Smith of Talbot, Tatum, Usry, Wallace, Ward, Wellborn, White, Whitehurst, Williams of Berrien, Wilson.

So the motion prevailed.

The report as amended was agreed to, the bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole,

A bill to be entitled an act to change the time of holding the Superior Courts of Pierce county.

Mr. Donaldson moved to amend the report by striking out the first section of said bill, and inserting the following section in lieu thereof :

Be it enacted, That the Superior Courts of county of Pierce, shall hereafter be held on Thursday before the first Monday in March and September, in each and every year, which was agreed to.

The report as amended was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the Committee of the Whole,

A bill to be entitled an act for the relief of W. F. C. Faulkner, of Madison county.

The report was agreed to. The Bill was read the third time and passed.

The Senate took up as the report of the Committee of the Whole,

A bill to be entitled an act to incorporate the Vernon Shell Road Company.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the Committee of the whole,

A bill to be entitled an act to authorize the Ordinary of the county of DeKalb, to pay arrearages due J. F. Buchanan, a teacher of poor children in said county for the year 1853.

The report was agreed to, the bill was read the third time, and passed.

The Senate took up as the report of the Committee of the Whole,

A bill to be entitled an act to alter and change the Superior Courts of Miller, Telfair, Irwin and Berrien.

Mr. Jordan offered the following as substitute in lieu of the original bill :

A bill, to be entitled an act to alter and change the time of holding the Superior Courts, in the counties of Wilcox, Telfair, Irwin and Berrien, and for other purposes therein mentioned; which was adopted.

The report as amended was agreed to, the bill was read the third time and passed.

On motion of Mr. Ward, the rules were suspended, and the Senate took up, as the report of the committee of the whole, the following bill of the House of Representatives :

A bill, to be entitled an act for the relief of a portion of the legatees of William Watson, deceased.

The report was agreed to, the bill was read the third time and passed.

Messrs. Bartlett and Burnett asked permission to record their votes, on the bill, to be entitled an act for the pardon of William A. Choice, now under sentence of death, for the crime of murder, which was granted.

Leave of absence was granted to Messrs. Maples, Kirby, Griffin, of Twiggs, and Walker, for a few days, on special business.

The hour of adjournment having arrived, the President adjourned the Senate, until 7 o'clock, P. M.

EVENING SESSION,

7 O'CLOCK, P. M.

The Senate met, according to adjournment.

The Senate took up the following bill which was read the second time and referred to the committee of the Whole:

A bill, to be entitled an act to incorporate the town of Summerville, in the county of Emanuel, and for other purposes.

The Senate took up the following bill of the House of Representatives, which was read the second time and referred to the committee of the whole :

A bill, to be entitled an act to authorize the Inferior Court of Banks county, to submit the question of the location of their county site, to the citizens of said county, and to have an election held therefor, and for other purposes.

The Senate took up the following bills of the House of Representatives, which were read the first time.

A bill, to be entitled an act to incorporate the Baltimore and Savannah Steamship Company.

Also a bill, to be entitled an act for the relief of Wilson W Poe, of the county of Early.

Also a bill, to be entitled an act to amend an act entitled an act to define the liability of the several Rail Road Companies of this State, for injury to persons or property, and to prescribe in what counties they may be sued, and how served with process, approved March 5th, 1856, and for other purposes.

Also a bill, to be entitled an act to incorporate the Richmond Fire Company, No. 7, and for other purposes.

Also a bill, to be entitled an act to exempt from taxation one acre of land, in the county of Montgomery, appropriated as the burial place of George M. Troup, deceased, and to constitute the Justices of the Inferior Court of said county, Trustees for the protection thereof.

Also a bill, to be entitled an act to consolidate the offices of Clerk of the Superior and Inferior Courts of the counties of Hall and Dade.

Also a bill, to be entitled an act to confer certain powers upon the Judge of the City Court of Savannah, and for other purposes therein mentioned.

Also a bill, to be entitled an act to incorporate the town of Blackshear, in Pierce county, and to confer upon the citizens of said town the privilege of electing town Commissioners, with certain powers therein enumerated, and for other purposes.

Also a bill, to be entitled an act adding an additional section to an act passed, incorporating the town of Athens, county of Clarke.

Also a bill, to be entitled an act to amend the thirty-fifth section of the fourteenth division of the Penal Code.

Also a bill, to be entitled an act to incorporate the town of Quitman, in Brooks county, and to confer upon the citizens of said town the privilege of electing town Commissioners, with certain powers therein enumerated, and for other purposes therein specified.

Also a bill, to be entitled an act to appropriate money to defray the expenses of the pupils of the Georgia Academy for the Blind, and to provide furniture, apparatus, and books for said Academy.

Also a bill, to be entitled an act to amend an act to incorporate the town of Camilla, in the county of Mitchell, approved March 3d, 1856.

Also a bill, to be entitled an act to authorize the Justices of the Inferior Court, of Gilmer county, to levy and collect an extra tax, for the purpose of paying the county debt created by building their Court House.

Also a bill, to be entitled an act to incorporate the Relief Fire Company, No. Two, in the town of Athens, and to extend to it certain privileges.

Also a bill, to be entitled an act to amend an act entitled an act to amend the Road Laws of this State, so far as relates to the county of Coffee, approved March 1st, 1856 so far as to apply the provisions of said act to the county of Clinch.

Also a bill, to be entitled an act to compensate the Justices of the Peace in Decatur county, for making out and returning lists of poor children to the Ordinary.

Also a bill, to be entitled an act to incorporate the Indian Creek Baptist Church, in the county of Franklin, and to appoint Trustees for the same.

Also a bill, to be entitled an act to incorporate the town of Sylvania and Scarboro, in the county of Screven and to amend the charter of the city of Atlanta.

Also a bill, to be entitled an act to change the line between the counties of Warren and Glasscock, so as to change the residence of Samuel Hart, Wm. Swint and Mrs. Mary Hobbs, from the county of Glasscock, to the county of Warren, and for other purposes.

Also a bill, to be entitled an act to change the line between the counties of Coweta and Heard, and to add lot of land number 84, in the fifth District of originally Henry, now Fayette county, to the county of Clayton.

Also a bill, to be entitled an act to alter and amend the charter of the Gulf and Atlantic Rail Road Company, and to locate the west end of said Road.

Also a bill, to be entitled an act to change the line between the counties of Thomas and Mitchell, to far as to include the residence of E. H. Taylor, of the county of Thomas, within the county of Mitchell.

Also a bill, to be entitled an act to amend an act incorporating the Madison Presbyterian Church, so far as relates to the filling of the vacancies of Trustees, assented to the 7th December, 1851.

Also a bill, to be entitled an act for the relief of John S. Carpenter, late Tax Collector of the county of Montgomery.

Also a bill, to be entitled an act to amend the first section of an act to add an additional section to the 10th Division of the Penal Code, and for other purposes, assented to the 21st day of December, 1857.

Also a bill, to be entitled an act to incorporate the Macon Guards, to authorize the Governor to furnish them with arms, and accoutrements, and to grant certain immunities and privileges to the same.

Also a bill, to be entitled an act to amend an act to authorize the issuing of attachments and garnishments, and to regulate the proceedings in relation to the same, and for other purposes therein mentioned, approved March 1th, 1856, and to extend the provisions of the same.

A bill, to be entitled an act to incorporate Gordon Grove No 1. United Ancient Order of Druids, (U. A. O. D.,) loca-

ted and working in Savannah, the objects and principles of the order being the diffusion of social and intellectual intercourse among its members, and the establishment of a system of philanthropy and benevolence, by providing for the sick and distressed, and the interment of its deceased members, and the support of the widow and orphans.

Also a bill to be entitled an act to consolidate the offices of Clerk of the Superior and Inferior Courts in the county of Quitman.

Also a bill to be entitled an act for the relief of Jabez M. White, of the county of Hancock.

Also a bill, to be entitled an act to alter and change the time of holding the Superior and Inferior Courts for the county of Walker, and the Superior Courts in the county of Dade.

Also a bill, to be entitled an act to repeal an act entitled an act to regulate the testimony of Attorneys at law.

Also a bill, to be entitled an act to alter and amend the second section of an act, approved January 21st, 1852, and for other purposes therein mentioned.

Also a bill to be entitled an act to protect the possession of lands of actual residents of the county of Charlton, and for other purposes.

Also a bill, to be entitled an act to add a part of the county of Gilmer to the county of Fannin, and to change the lines between the counties of Troup and Merriwether, and Troup and Harris, and for other purposes therein mentioned.

Also a bill, to be entitled an act to reduce the Sheriff's bond, of the county of Milton.

Also a bill, to be entitled an act to erect the monument of Governor Jared Irwin, in the town of Sandersville.

Also a bill, to be entitled an act to authorize the Ordinary of Baldwin county, to pay over to Sarah M. Candler, the sum of two hundred and three dollars and ninety cents, for teaching poor children in said county, and also to authorize him to pay to L. Carrington, thirty-one dollars and sixty-six cents, balance due him for teaching poor children in said county for the year 1858.

Also a bill, to be entitled an act for the relief of James M. Jones, of the county of Bibb, Executor of the last will and testament of James S. Bealle, late of Dooly county, deceased, and for other purposes therein mentioned.

Also a bill, to be entitled an act to incorporate the Gate City Guards, of Atlanta, and to grant certain immunities and privileges to the members of the same.

Also a bill, to be entitled an act to incorporate Spring Vale Institute, located in Randolph county, Georgia.

Also a bill, to be entitled an act to incorporate the Law School of Joseph H. Lumpkin, Thomas R. R. Cobb, and

William H. Hull, in the town of Athens, and for other purposes.

Also a bill, to be entitled an act for the relief of Richard Myrick, of Pike county.

Also a bill, to be entitled an act to alter and amend the third section of the first article, and the second section of the second article of the Constitution of the State of Georgia, by striking out the word Monday, where it appears in each of said sections, and inserting in lieu thereof, the word Wednesday, and inserting also, in the said third section the words House of Representatives, and members of Congress, after the word Senate.

Also a bill, to be entitled an act to change the time of holding the Inferior Courts of the counties of Webster and Dade, and to change the times of holding the Superior Courts of the counties of Richmond and Glynn.

Also a bill, to be entitled an act to prevent the killing of deer, in the county of Screven.

Also a bill, to be entitled an act to incorporate the Georgia Grays, of the city of Columbus, and to extend to them certain privileges.

Also a bill, to be entitled an act to amend the several acts of the General Assembly, relating to the Savannah and Albany Rail Road Company, and the Savannah, Albany and Gulf Rail Road Company, and to authorize the said Company to construct Branch Roads to the boundary line between Georgia and Florida.

Also a bill, to be entitled an act for the relief of Arthur Haire, of the county of Cass.

Also a bill, to be entitled an act to amend the charter of the American Atlantic Screw Steamship Company, granted 19th of December, 1857, and to allow an increase of capital of the said Company.

Also a bill, to be entitled an act to change the times of holding the Superior and Inferior Courts, of Upson county.

Also a bill to be entitled an act to levy a tax on all goods peddled in this State, or sales by sample, or otherwise, by itinerant drummers, or other persons, and for other purposes.

Also a bill, to be entitled an act to amend the act of 11th December, 1858, in relation to the returns of Lottery Managers and Insurance Companies, and Express Companies doing business in this State.

Also a bill, to be entitled an act to facilitate the taking of cases to the Supreme Court by Executors, Administrators and Guardians.

Also a bill, to be entitled an act to amend an act entitled an act authorizing the arrest, by the Marshal of the village of Sparta, without warrant, and the confinement in the common Jail of the county of Hancock, of all persons violating

the laws passed by the Commissioners of said village, against drunkenness, and other gross and immoral conduct in said village and for other purposes, assented to December 11th, 1858.

Also a bill, to be entitled an act to incorporate Trenton Academy, to appropriate a sum of money for the same, and for other purposes.

Also a bill, to be entitled an act to change the county line between the counties of Ware and Pierce.

Also a bill, to be entitled an act to alter and change the county line between the counties of Glasscock and Warren, and to change the residence of Richard H. Clarke, from the county of Glasscock, to the county of Warren, and to take certain lots of land therein named, from the county of Macon, and add them to the county of Taylor, and for other purposes.

Also a bill, to be entitled an act to alter and change the law imposing a tax on shows, so far as relates to the county of Walker.

Also a bill, to be entitled an act for the relief of William M. Pyram, of Fayette county.

Also a bill, to be entitled an act to amend the incorporation of the Savannah Volunteer Guards, of the city of Savannah.

Also a bill, to be entitled an act, to incorporate the Mutual Building and Loan Association, of Columbus.

Also a bill, to be entitled an act to incorporate the Georgia Hussars, a Volunteer Military corps of Savannah.

Also a bill, to be entitled an act to authorize the Justices of the Inferior Court of Sumter county, to levy an extra tax for county purposes.

Also a bill, to be entitled an act to incorporate the Jackson Artillery, of the city of Macon, and to authorize the Governor to furnish them with suitable arms and accoutrements, and to grant certain immunities and privileges to the members of the same.

Also a bill, to be entitled an act to incorporate the Hancock Van Guard and Infantry Company, in the county of Hancock, and also the Hancock Troup of Cavalry, of said county, and to incorporate the Jackson Rifles, and for other purposes.

Also a bill, to be entitled an act to authorize the Mayor of the city of St. Marys to hold special Courts for summary trial of any dispute or difference between any ship master, owner, consignee or super-cargo of any vessel, articulated seaman, or other person in the corporate limits of said city.

Also a bill, to be entitled an act to amend an act entitled an act to incorporate the Orphan's Home, of the Protestant Episcopal Church, in Chatham county, and for other purposes therein named.

Also a bill, to be entitled an act to change the corporate limits of the city of Americus, so as to exclude the residence of John J. Hudson therefrom, and to exempt him from the payment of taxes to said city.

Also a bill to be entitled an act to amend an act entitled an act to authorize the Justices of the Inferior Courts of Pickens county, to levy and collect an extra for the purpose of paying the county debt, created by the building of the Court House in said county, assented to the 11th of December, 1858.

Also, a bill to be entitled an act for the relief of practicing Physicians in the county of Monroe.

Also, a bill to be entitled an act to incorporate the Quitman Guards and the Delhigh Rangers, and to grant them certain powers, and exempt them from the duties therein named.

Also, a bill to be entitled an act to alter and amend an act passed on the 22nd day of December, 1857, entitled an act to encourage persons making a will to provide a permanent fund for the collegiate preparation and education of indigent boys and young men.

Also, a bill to be entitled an act to amend an act to protect religious societies in the exercises of their religious duties, approved December 13th, 1792.

Also, a bill to be entitled an act to authorize the Ordinary of Campbell county to pay A. P. McCool for teaching poor children for the year 1858, and for other purposes.

Also, a bill to be entitled an act to authorize the Ordinary of Henry county to pay to Wm. W. Campbell tuition money for poor children, for the year 1857.

Also, a bill to be entitled an act to alter and amend the Road laws of this State, so far as relates to the counties of Lumpkin and Schley.

Also, a bill to be entitled an act to alter and amend the several acts in relation to Bibb county Academy, and to change the name of the same.

Also, a bill to be entitled an act to establish the county lines between the counties of Montgomery and Tattnall, and also, between Tattnall and Emanuel.

Also, a bill to be entitled an act to prevent the firing of woods between the first day of May and the first day of February in each and every year in the counties of Echols and Clinch, and for other purposes.

Also, a bill to be entitled an act to exempt practicing Physicians of the county of Appling from Jury duty.

Also, a bill to be entitled an act to amend an act entitled an act to incorporate the city of Greensboro', to provide for its government, define its powers, and for other purposes therein mentioned, approved, March 5th, 1856.

Also, a bill to be entitled an act to incorporate the Owl

Town and Coosa Creek Mining company, and other purposes therein mentioned.

Also a bill to be entitled an act for the relief of Mrs. Isabella Adams of the county of Murray.

Also, a bill to be entitled an act to regulate the sale of spirituous liquors in the county of Stewart, and for other purposes.

Also, a bill to be entitled an act to change the lines between the counties of Irwin and Coffee, and also between Taylor and Schley, and also between the counties of Cobb Paulding.

Also, a bill to be entitled an act to change the name of the Southern Central Agricultural Society to that of the State Agricultural Society of Georgia, and for other purposes.

Also, a bill to be entitled an act to alter the times of holding the Superior courts of the county of Effingham, and for other purposes therein mentioned.

Also, a bill to be entitled an act to appropriate money for the Medical College of Georgia, and for other purposes.

Also, a bill to be entitled an act to compensate William T. Williamson, for recording the unfinished journals of the House of Representatives for the years 1851 and 1852.

Also, a bill to be entitled an act to authorize the Mayor and Council of the city of Macon to lease a portion of the public reserve lying below said city, to be used as a brick yard, and for other purposes therein mentioned.

Also, a bill to be entitled an act to amend an act, entitled an act to amend the road laws of this State, approved December 24th, 1827, And,

Also, an act entitled an act to protect the owners of lands or tenements against intruders, and to provide a remedy for land owners in certain cases, approved February 14th, 1851.

Also, a bill to be entitled an act to change the line between the counties of Dawson and Lumpkin so as to include the residence of James Rice in the county of Dawson.

Also, a bill to be entitled an act to amend an act entitled an act, abolish imprisonment for debt on certain conditions therein set forth, and for other purposes, assented to, December the 11th, 1858, and for other purposes.

Also, a bill to be entitled an act, to amend an act entitled an act to change certain county lines therein mentioned, approved March 1st, 1856.

Also, a bill to be entitled an act to incorporate the Georgia Baptist Bible and Colporteur society.

Also, a bill to be entitled an act to incorporate the Board of Trustees of the Mount Vernon Association of Baptist Churches appointed by said association for the government and management of Mount Vernon Institute, at Readville,

in the county of Washington, in this State, to confer upon said Board certain powers and privileges; to incorporate the town of Readville, and for other purposes.

Also, a bill to be entitled an act to amend the charter of the McBean company, granted February 11th, 1850.

Also, a bill to be entitled an act to appropriate fifteen hundred dollars towards the building of a Turnpike and Bridge over Spring Creek, in Miller county, and to authorize the Justices of the Inferior court of said county to levy an extra tax to raise a fund for the same purpose.

Also, a bill to be entitled an act to incorporate Clayton High School, and for other purposes therein named.

Also, a bill to be entitled an act to consolidate the offices of the Clerk of the Superior and Inferior Courts of the county of Schley, and to reduce the bond of the Sheriff of said county.

Also, a bill to be entitled an act to authorize the Justices of the Inferior Court of Rabun county to levy an extra tax, and for other purposes.

Also a bill to be entitled an act, for the relief of Sterling S. Jenkins of the county of Merriwether.

Also, a bill to be entitled an act to compel the chartered Banks of this State once in every year, to publish a list of their depositors and the amounts to the credit of each.

Also, a bill to be entitled an act to incorporate a Volunteer corps of Infantry in the town of Thomaston, and county of Upson, and to grant unto it certain privileges.

Also, a bill to be entitled an act to constitute the town of Cutlibert, Randolph county, a city, to provide for the election of officers, to define the powers of the several officers of said city as well as of the corporation, to extend the limits of Cutlibert, and for other purposes.

On motion of Mr. Hart, the rules were suspended, and the Senate took up as the report of the committee of the whole,

A bill to be entitled an act for the establishment by law of the mounted police of the 15th District, G. M. of Liberty county.

The report was agreed to, the bill was read the third time and passed.

The rule being suspended, the Senate took up the following bill which had been amended by the House of Representatives to wit:

A bill to be entitled an act to incorporate the Trustees of the Presbyterian Church in the town of Perry, in the county of Houston.

On motion the amendment was concurred in.

The Senate took up, as the report of the Committee of the Whole,

The following bill of the House of Representatives, which had been reconsidered to wit :

A bill to be entitled an act to amend an act to incorporate a corps of Infantry in the town of Fort Valley, and also to incorporate the Oglethorpe Light Infantry of Savannah, and to confer certain privileges on the same.

Mr. Walker moved to amend the report by striking out the county of Crawford, which was agreed to.

Mr. Cook moved further to amend the report by striking out the county of Macon, which was agreed to.

The report as amended was agreed to, the bill was read the third time and passed.

On motion of Mr. Hart the Senate adjourned until 9 o'clock, to-morrow morning.

SATURDAY, DECEMBER 3d, 1859.

The Senate met according to adjournment.

Mr. Holt moved to reconsider so much of the Journal of yesterday, as relates to the vote by which an act to pardon William A. Choice, of the county of Fulton, now under sentence of death for the crime of murder, was lost.

Mr. Harris of Worth, called for the previous question which being seconded, the main question was ordered to be put.

The main question was put, which was the motion to reconsider.

Mr. Morris, required the yeas and nays which being recorded,

Were yeas 68, nays 44.

Those who voted in the affirmative, are Messrs.

Alexander, Alfred, Atkinson, Barclay, Bartlett, Batts, Billups, Boggs, Briscoe, Brown, Burnett, Byars, Cannon, Garter of Elbert, Chester, Cooper, Cook, Crittenden, Davis, Donaldson, Evans, Flewellen, Fulton, Griffin of Brooks, Hackett, Harris of Dougherty, Harris of Worth, Harvin, Head, Hill of Troup, Hines, Holt, Hutchins, Johnson of Chattahoochee, Johnson of Clayton, Johnson of Cass, Jordan, King, Lamar, Lawton, Lockhart, Lott, Maddox, McDuffie, McLeod, McRae, Paine, Printup, Pruitt, Reid of Morgan, Reid of Talliaferro, Rushin, Seward, Shelton, Sirman, Smith of Hancock, Stowers, Summerour, Swear, Tarver, Tracy, Trippe, Ward, Wellborn, Wells, Whitehurst, Williams of Berrien, Williams of Terrell.

Those who voted in the negative, are Messrs.

Bond, Cloud, Collier, Cone, Cowen, Delaperriere, Denham, Gartrell, Glover, Green, Griffin of Twiggs, Hall, Hart, Hightower, Hill of Wilkes, Hitchcock, Hood, Hyde, Ivey, Jamison, Jones, Lenoir, Merrill, McGehee, Moore of Whitfield, Morris, Oliver, Poole, Quillian, Ritch, Robinson, Roberts, Sawyer, Shellnut, Sheppard, Smith of Talbot, Snell, Usry, Wallace, White, Whitworth, Williams of Rabun, Wilson, Wynne, Young.

So the motion to reconsider did prevail.

Mr. Seward, moved to reconsider so much of the Journal of yesterday, as relates to the vote by which the resolution in relation to meeting in General Assembly, to take into consideration the propriety of granting a pardon to William A. Choice, now under sentence of death on the charge of murder, in the county of Fulton, which motion was unanimously agreed to.

On motion of Mr. Jones, the resolution was then taken up and read.

Mr. Jones moved that said resolution be laid on the table for the balance of the session, upon agreeing to which motion Mr. Jones required the yeas and nays which being recorded,

Were yeas 82, nays 32.

Those who voted in the affirmative are Messrs :

Alexander, Allred Atkinson, Batts, Billups, Boggs, Bond, Briscoe, Brown, Byars, Cloud, Collier, Cooper, Cone, Cowen, Crittenden, Davis, Delaperriere, Denham, Donaldson, Evans, Flewellen, Fulton, Gartrell, Glover, Green, Grice, Griffin of Twiggs, Hall, Hart, Harris of Dougherty, Head, Hightower, Hill of Wilkes, Hitchcock, Hood, Hutchins, Hyde, Ivey, Jamison, Jones, Jordan, King, Lawton, Lenoir, Lockhart, Matthews, Merrill, McGehee, Moore of Whitfield, Morris, Oliver, Pruitt, Quillian, Reid of Morgan, Reid of Taliaferro, Riley, Ritch, Robinson, Roberts, Sawyer, Shelton, Shellnut, Sheppard, Sirman, Smith of Talbot, Snell, Sweat, Tarver, Trippe, Usry, Wallace, Ward, Wellborn, Wells, White, Whitworth, Williams of Berrien, Williams of Rabun, Wilson, Wynne, Young.

Those who voted in the negative, are Messrs ,

Barclay, Bartlett, Cannon, Carter of Echols, Carter of Elbert, Chester, Cook, Griffin of Brooks, Hackett, Harris of Worth, Harvin, Hill of Troup, Hines, Holt, Johnson of

Chattahoochee, Johnson of Clayton, Johnson of Cass, Lamar, Lott, Maddox, McDuffie, McLeod, McRae, Paine, Printup, Rushin, Seward, Smith of Hancock, Stowers, Tracy, Whitehurst, Williams of Terrell.

So the motion to lay on the table for the balance of the session prevailed.

Mr. Briscoe, moved to reconsider so much of the Journal of yesterday, as relates to the vote by which,

A bill to be entitled an act to incorporate the Milledgeville Manufacturing Company, and to confer certain powers and privileges on the same, was passed, which was agreed to.

Mr. Wynne, moved to suspend the rules for the purpose of offering a resolution, which was agreed to.

Mr. Wynne, offered the following resolution, which was taken up, read and agreed to.

Resolved, By the Senate that from and after the adoption of this resolution no member of the Senate shall be permitted to speak more than fifteen minutes on any question, before the body unless by consent of two thirds of the Senate.

The Senate took up as the report of the committee of the Whole,

A bill to be entitled an act to pardon John Fundy of the county of Gwinnett, now under sentence of death for the crime of murder.

On motion of Mr. Lenoir, the same was made the special order for Monday next.

The Senate took up as the report of the committee of the Whole,

A bill to be entitled an act to regulate the agencies of Foreign Insurance Companies, and to provide for the appointment of an Insurance Commissioner.

The Judiciary Committee to whom this bill was referred moved to amend the report by the following as a substitute in lieu of the original bill, to-wit :

A bill to be entitled an act to regulate the agencies of Foreign Insurance Companies, and to provide for the appointment of an Insurance Commissioner, which was adopted.

The report as amended was agreed to, the Bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole,

A bill to be entitled an act to give a construction to and render more certain the 4th section of the Statute of Frauds and Perjuries so far as the same relates to any contract or

sale of lands, tenements or hereditaments or any interest in or concerning them.

The Judiciary Committee to whom this bill was referred reported against its passage.

Mr. Printup moved to amend the report by adding the following as an additional Section:

And be it further enacted, that whenever any party has been damaged by reason of a part performance on his or their part of any parol or verbal contract or agreement for lands, tenements or hereditaments or any interest in or concerning them, such party shall be entitled to recover full compensation therefor at common law.

Mr. Trippe, called for the previous question which was seconded.

The main question was ordered to be put which was on agreeing to the amendment.

The amendment was agreed to.

The report as amended was agreed to. The Bill was read the third time and lost.

The following message was received from the House of Representatives by Mr. Diamond, their clerk:

Mr. President: The House of Representatives have passed the following bills:

A bill to declare certain words slanderous and actionable *per se*, &c.

A bill to amend the second section of an act to be entitled an act, to provide against the forfeiture of the several Bank Charters in this State, &c., passed 22d Dec., 1857.

A bill to incorporate a Volunteer Corps of Infantry in the city of Greensboro', also, a Volunteer Corps in Covington, and also, a Volunteer Corps in Monroe, in the county of Walton, &c.

A bill to change the penalty prescribed in the 3d section of an act entitled an act to prohibit the sale of deadly weapons, and to prescribe the manner of carrying the same, &c.

A bill to allow persons to make a return of their taxable property to the Clerks of the Superior Courts in certain cases &c.

A bill for the relief of Francis Daniel, Sheriff of the county of Dade.

A bill for the relief of John T. Martin of the county of Hancock.

A bill to change and fix the times of holding the Inferior Courts of the county of Randolph.

A bill to change the lines between the counties of Irwin and Berrien, also, between the counties of Macon and Dooly.

A bill for the relief of Joseph White of the county of Jackson.

A bill to define certain duties of the several Railroad Agents in this State, &c.

A bill to incorporate the town of Fort Gaines in the county of Clay, to define its jurisdiction and limits, &c.

A bill to charter the "Central Insurance Company of Georgia" and to confer on said Company certain rights, powers and privileges, &c.

A bill to amend an act approved the 20th March, 1854, in relation to patrols, and for other purposes, so far as relates to the county of Richmond.

A bill for the relief of Cornelius Hibbard, of the county of Fulton.

A bill to authorize the Justices of the Inferior Court of Cobb county to levy an extra tax for the purpose of building a jail in said county, &c.

A bill to facilitate the rendition of Judgments against Sheriffs and their Securities.

A bill for the relief of Andrew J. Lovelady, of the county of Pickens, &c.

A bill to amend an act entitled an act to amend the road laws of this State, so far as relates to the counties of Cherokee and Bryan.

A bill to incorporate the Baptist Church at the head of Tennessee, in the county of Rabun, &c.

A bill to repeal the 7th and 9th sections of an act to incorporate the village of Chickasawhatchee in Terrell county, &c.

A bill for the encouragement of Fire Companies in the city of Augusta, and for other purposes.

They have also agreed to a resolution authorizing the Governor to appoint five suitable persons, to prepare a Military Code, for this State.

The following Message was received from his Excellency the Governor, by Mr. Waters, his Secretary, to wit :

Mr. President:—I am directed the Governor, tolay before this branch of the General Assembly, a communication in writing relative to the boundary line between Georgia and Florida, together with the accompanying correspondence.

The Senate took up, as the report of the Committee of the Whole,

A bill to be entitled an act to compel free persons of color to leave the State, and for other purposes.

The Judiciary committee to whom this bill was referred offered the following as a substitute in lieu of the original bill.

A bill to be entitled an act to provide for the Voluntary enslavement of free persons of color in this State.

Mr. Reid of Talliaferro, moved to amend the report, by adding the following as an additional section.

And be it further enacted, That any free person of color found within the limits of this State, after the first Monday in January, 1861, shall be liable to arrest for a violation of this act, by any free white citizen of this State, and replaced into the custody of the Sheriff, of the county where the arrest is made, and be sold into slavery on the first sale day after his or her arrest, at the market house or place of public sale in the county where he or she may be arrested, and the proceeds of said sale after deducting cost and expenses, shall be divided one-half to be paid to the person causing said free person of color to be arrested, the other half to be paid into the county Treasury, and the Sheriff of the county where said free person of color is sold, shall make titles to the highest bidder as he now does to slaves sold at Sheriff's sale, and such titles shall be good and valid.

Provided, Such person or persons so arrested shall prevent such public sale at any time previous to the actual sale, by selecting an owner under the provisions of this act or by leaving the State.

Pending the consideration of which the hour of adjournment having arrived, the President adjourned the Senate until 3 o'clock P. M.

THREE O'CLOCK, P. M.

The Senate met according to adjournment.

On motion of Mr. Evans, the rules were suspended for the purpose of offering a resolution, which was agreed to.

Mr. Evans, offered the following resolution, which was taken up, read and agreed to :

Resolved, That a committee of three be appointed to join a committee on the part of the House of Representatives, to examine the census taken the present year, for the purpose of ascertaining the thirty-seven counties, having the greatest Representative population for the purpose of apportioning the Representatives among the several counties according to the Constitution.

The President appointed Messrs. Evans, Seward and Bartrell as said committee on the part of the Senate.

The Senate resumed the consideration of the unfinished business of the morning which was.

A bill to be entitled an act to compel free persons of color to leave the State, and the amendments offered thereto.

Mr. Barclay moved further to amend the report by striking out the word "1861" and inserting in lieu thereof the word "1862" which was agreed to.

The amendment as amended was lost.

The report was agreed to, the bill was read the third time and passed.

On motion of Mr. Riley, the rules were suspended, and the Senate took up, as the report of the Committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act to amend an act entitled an act to incorporate the Yahoola River and Cane Creek Hydraulic Hose Mining Company, assented to 11th day of December, 1858.

Mr. King moved to amend the report by striking out the latter portion of the 7th section of said bill, which was agreed to.

Mr. Johnson of Chattahoochee, moved further to amend the report by adding the following as an additional section.

And be it further enacted, That the arbitrators provided for in this bill, shall be disinterested persons and residents of the county, where the land lies or the issue or issues originate, which was agreed to.

The report, as amended, was agreed to, the bill was read the third time and passed.

The rules being suspended the Senate took up as the report of the committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act to incorporate the Etowah and Auraria Hydraulic Hose Mining Company.

Mr. King, moved to amend the report by adding in the 4th section of said bill, after the words "govern the collection of money by execution in this State" the following words "unless the party against whom said arbitrators find shall enter an appeal in said Clerk's Office, within four days from the return and entry of said judgement, which appeal may be entered under the regulations as govern other cases of appeals" which was agreed to.

Mr. Johnson of Chattahoochee, moved further to amend the report by adding the following as an additional section.

Be it further enacted, That the arbitrators above mentioned shall be disinterested persons residing in the county where the land lies, or the issue or issues originate, which was agreed to.

Mr. McDuffie, moved further to amend the report by addi-

ing an additional section incorporating the Cedar Creek Lumber Drifting Association, and amending the caption of said bill, which was agreed to.

The report as amended was agreed to, the bill was read the third time and passed,

The following Message was received from His Excellency the Governor by Mr. Waters his Secretary, to wit:

Mr. President:—The Governor has signed the following bills.

A bill to prohibit persons from poisoning fish in the water courses of Irwin county, for the purpose of killing fish.

A bill to incorporate the Clarke county Agricultural Society, and to confer certain powers and immunities on the same.

A bill to define and enlarge the corporate privileges heretofore granted to the first Presbyterian Church of Augusta.

A bill to authorize the administrators of the estate of Jas. Young, Sr., to sell the property of said estate and to make titles to the same.

A bill to make valid all letters of administrations heretofore granted by the Ordinary's Courts of this State, when written notice of such application has not been given at the Court House door of said county, as required by law.

A bill to authorize Guardians of Insane persons to be made parties to suits brought by deceased Guardians.

The Senate took up as the report of the committee of the whole:

A bill to be entitled an act to compel non-residents of the county of Wayne, to return and pay tax in said county on all stock cattle, owned, grazed and penned in said county.

The report was agreed to. The bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole,

A bill to be entitled an act to change the name of the Planters and Mechanics Bank of Dalton.

The report was agreed to, the bill was read the third time and passed.

Mr. Harris of Dougherty, from the Committee on enrollment reported as duly enrolled, signed by the Speaker of the House of Representatives and ready for the signature of the President of the Senate,

An act for the relief of a portion of the Legatees of William Watson, deceased.

The Senate took up as the report of the committee of the Whole,

A bill to be entitled an act to incorporate the town of Carnesville, in the county of Franklin, and for other purposes.

Mr. Morris moved to amend the report by the following as a substitute in lieu of the original bill, to-wit:

A bill to be entitled an act to incorporate the town of Carnesville, in the county of Franklin, and to appoint Commissioners for the same, which was adopted.

Mr. Seward moved further to amend the report by adding additional sections amendatory of an act incorporating the town of Thomasville, which was agreed to.

The report as amended was agreed to, the bill was read the third time and passed.

The Senate took up as the report the committee of the Whole,

A bill to be entitled an act to relieve Dancy L. Hubbard, of Hall county, from paying poll tax.

On motion the same was postponed indefinitely.

The following Message was received from the House of Representatives by Mr. Diamond their Clerk:

Mr. President: The House of Representatives have passed the following bills:

A bill to exempt from levy and sale certain property, and for other purposes.

A bill to prevent free negroes and slaves from keeping eating houses, and living separate from their owners and hirers and Guardians, &c., in the towns of Crawfordville and Warrenton, and for other purposes.

A bill to protect the holders of bills of Exchange on drafts drawn and accepted on account of shipments of cotton or transfers of the same, and to furnish those who violate their contracts of acceptance, or misapply the cotton received by them or its proceeds.

A bill to empower the Justices of Inferior Court, or a majority of them of Wayne county, to levy an extra tax, &c.

A bill for the relief of Charles S. Oliver, and Charles J. Oliver, of Clarke county.

A bill to incorporate a volunteer corps of Artillery, in the town of Athens, and to grant certain privileges to the same.

A bill to alter and change the name and style of the Mechanic's Savings Bank, to the name and style of the Farmer's and Mechanic's Bank, and for other purposes.

Mr. Cone moved that when the Senate adjourn it adjourn to meet Monday morning 9 o'clock, which was agreed to.

The Senate took up as the report of the committee of the Whole,

A bill to be entitled an act to provide for the distribution and disbursement of the common school fund to which the county of Gilmer is, or may be entitled under and by virtue of an act passed 11th day of December, 1858, and for other purposes therein mentioned.

Mr. Riley moved to amend the report by extending the provisions of this act to the county of Lumpkin, which was agreed to.

The report as amended was agreed to, the Bill was read the third time and passed.

Leave of absence was granted Mr. Matthews for a few days on special business.

On motion of Mr. Seward, the rules were suspended, and the following Message from his Excellency the Governor, was taken up and read.

EXECUTIVE DEPARTMENT, }
Milledgeville, Ga., Dec., 3d., 1859. }

To the General Assembly :

In compliance with a joint resolution of the Legislature, assented to November 22d, 1859, I appointed Col. D. C. Campbell, special agent on the part of Georgia, to visit the Governor of Florida and confer with him upon the subject of the border difficulties growing out of the controversy about the boundary line, and am happy to be able to report to the General Assembly before its adjournment the correspondence upon this subject, copies of which are herewith transmitted, together with a copy of the Message of Governor Perry, and of a resolution introduced into the Florida Legislature, by which it will be seen that the Governor and Legislature of Florida meet our propositions for a pacific adjustment of these difficulties in a kind and conciliatory spirit. This liberal conduct on the part of the authorities of our gallant sister State, is highly creditable to her, and will, I doubt not, meet a cordial and united response from the authorities of Georgia.

I recommend the passage of such bill or joint resolution as will settle and protect the titles of bona fide holders of land under Florida grants, which may fall within the limits of Georgia, when the boundary line shall have been fully ascertained by the survey now in progress, and such legislation as will give the Executive the right to order *nole prosiquies* to be entered in such cause pending on the criminal side of our Courts, as may have grown out of the dispute about the boundary.

I also herewith transmit to the General Assembly a copy of a communication just received from Prof. Gustavus J. Orr, the Surveyor on the part of Georgia, and Benjamin J.

Whitner, Jr., Esq., Surveyor, on the part of Florida, who are now engaged in the survey.

In accordance with the suggestions of the Surveyors I recommend that a joint resolution be passed, giving the consent of Georgia, provided Florida concurs, that the line as first run by the surveyors between the mouth of Flint River, and the eastern terminus, or Ellicott's Mound, be adopted as the true line, *Provided* it falls within one quarter of a mile of the Mound on either side. The strip of land which would be between the line as run, and the true line would be so small as to be of little value to either State, and is as likely to fall in favor of Georgia as of Florida. It may cost much time and expense before the Surveyors can run a line which will terminate precisely at the Mound. It is to be presumed that the Legislature of Florida now in session, to whom a copy of this statement of the Surveyors will likely be sent by the Governor of that State, will take immediate action in the premises. I therefore recommend prompt action on the part of the General Assembly of this State.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT, }
Milledgeville, Ga., Nov. 23d, 1859. }

His Excellency,

MADISON S. PERRY, Governor of Florida.

Dear Sir: Allow me to introduce to you the bearer of this, Col. D. C. Campbell, of this city. Col. Campbell has been appointed by me a special agent on the part of this State under a resolution of its General Assembly, to visit and confer with you in relation to existing and anticipated difficulties, growing out of the unadjusted question of the boundary line between the States of Georgia and Florida.

The Resolution under which he is appointed, will be shown to you by him. It evinces, as you will perceive, the solicitude of Georgia for the maintenance of good neighborhood between the two contiguous States, and her determination, while the boundary remains unadjusted to do all in her power to repress agitation and prevent excitement.

The agent on the part of the State will submit to you suggestions emanating from this Department, and will cordially entertain, and to the extent of his authority act upon any that may be submitted by you, entertaining the hope that the result of this Agency will prove beneficial to the interest of both States.

I am very respectfully,

Your obedient servant,

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT, }
Milledgeville, Ga., Nov 23d, 1859. }

COL. D. C. CAMPBELL—

Dear Sir: In pursuance of the resolution of the General Assembly under which you have been appointed a special agent to visit Tallahassee, and confer with the Executive of Florida, you will at your earliest convenience, enter upon the duties confided to you. You will express to the Governor of Florida the solicitude of the General Assembly of Georgia and of this Department to maintain uninterrupted the kindly relations that have heretofore existed between the people of the two States, and which unfortunately have recently been disturbed in certain sections, growing out of the unadjusted boundary line that divides them. You can tender to him the assurance that every effort in the power of this Department will be put into exercise, not only to have the boundary line settled as early as practicable, but to prevent, till that object shall be accomplished, any of the difficulties or animosities that may be apprehended among the people residing in that region, through which the line of boundary may ultimately be established. To this end you can assure his Excellency that should litigation take place in the Courts of this State in relation to lands under Florida grants, which, when the boundary line shall be designated, shall fall under the jurisdiction of Georgia, that this Department will recommend to the General Assembly of this State such legislation as may be necessary to perfect titles in the hands of bona fide holders; and you can also assure him that should criminal prosecutions growing out of conflicts between those residing in the disputed territory, be instituted in any of the Courts of Georgia, that this Department will request that *nole prosiquies* be entered.

You will ask the Executive of Florida, on his part, to reciprocate these efforts to maintain peace and good order among the borders, and protect titles in bona fide land owners.

In short, you will confer fully with the Governor of Florida in relation to all existing and anticipated matters of controversy among the borders, ascertain his views in regard to the best mode of quieting, removing or preventing them, and freely pledge the co-operation of the authorities of Georgia in all reasonable efforts to accomplish objects so desirable.

The result of your mission you will report to this Department.

Very respectfully,

Your obedient servant,

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,
Tallahassee, Florida, Nov. 26th, 1859. }

His Excellency,

JOSEPH E. BROWN, Governor of Georgia.

- I have had the honor to receive, through Col. D. C. Campbell, special Agent on the part of Georgia, the letter of your Excellency, being dated the 23d inst., together with the Resolutions of the Legislature of Georgia, relative to the border difficulties between the citizens of Georgia and Florida, on account of a conflict of jurisdiction of the Courts of two States.

The solicitude expressed by the State of Georgia for the maintainance of good neighborhood between the two contiguous States of Georgia and Florida, and her determination while the boundary remains unadjusted, to do all in her power to repress agitation and prevent excitement, is duly appreciated, and cordially reciprocated.

Col. Campbell has placed in my hands a paper purporting to be a statement of the fact of two cases out of which some excitement upon the border is said to have arisen.

The first case referred to is that of Sandford, Sheriff, and others, who tried a fi. fa. issued from a Court of Georgia upon a negro slave in the possession of David Allen, who resides on a fraction of land sold by the State of Georgia.

It is alleged that the parties have been indicted for negro steeling, by the Grand Jury of Jefferson county, Florida, and that efforts will be made to procure a requisition from the Governor of Florida, upon the Executive of Georgia, to have the parties delivered up to be tried in Florida. Upon hearing the fact in the case, I immediately sought an interview with the Hon. J. Wayles Baker, Judge of the Circuit embracing Jefferson county, who informed me that he had no recollection of any such indictment, but that if one had been found by the Grand Jury it could not be sustained upon the fact above stated, and that a *nol pros.* would be entered by the Solicitor. In the other case it seems that the Sheriff of Georgia, by virtue of a writ of possession sued out from one of the Courts of Georgia, attempted to put Allen out of possession of the fraction of land upon which he resides, and was prevented from executing the writ by an armed force from Florida.

These exhibitions of popular feeling are at all times to be regreted. Some palliation, however, of this particular act may be found in the fact that the people inhabiting the region of country in which Allen resides have always believed themselves to be citizens of Florida.

It was doubtless, under the belief that they were rightfully resisting the power of foreign jurisdiction, that force was employed. To prevent future collision of a similar

character, it is respectfully suggested that the Court from which the writ emanated should stay further proceedings until the boundary line is established between the two States.

The policy suggested by your Excellency in relation to bona fide holders of titles of land in the disputed territory will doubtless be appreciated by our Legislature now about to assemble, and such measures adopted as will satisfy your Excellency of its good faith and liberality.

Every effort will be made by this Department to prevent any difficulties or popular excitement along the borders, until the boundary line which is now being run shall have been established, and to maintain the friendly relations which should ever characterize the citizens of the two States.

Very respectfully,

Your obedient servant,

M. S. PERRY

EXECUTIVE DEPARTMENT, }
Milledgeville, Nov. 28th, 1859. }

COL. D. C. CAMPBELL,

Dear Sir: I have the honor to acknowledge the receipt at your hands of a letter from his Excellency, Gov. Brown of Georgia, together with a letter addressed to you by his Excellency, and a paper purporting to contain a statement of facts relative to the difficulties between the citizens along the borders incident to the inadjusted boundary line between the two States, you will please communicate to his Excellency, Gov. Brown, my assurance that the friendly spirit manifested by him in this unfortunate controversy, and his praiseworthy and timely efforts to maintain the friendly relations which should ever exist between the citizens of the two States, are duly appreciated, and cordially reciprocated. You will assure his Excellency that I have, in accordance with his suggestions recommended to the Legislature of this State such action, as, I hope, will prevent the recurrence of all difficulties along the borders, and that I will ever co-operate with him most cheerfully in all rightful measures, which may be necessary to adjust all difficulties and to maintain friendly relations between the citizens of the two States. Permit me, my dear sir to express to you my cordial approbation of the friendly feeling manifested by you during our several conferences, and the readiness on your part to co-operate in any measures calculated to adjust the difficulties growing out of this vexed question, on terms alike just and honorable to the States of Georgia and Florida.

Very respectfully, your obedient servant,

M. S. PERRY

TALLAHASSEE, FLORIDA, Nov. 30, 1859.

*To his Excellency, JOSEPH E. BROWN,**Governor of Georgia:*

DEAR SIR :—In compliance with my appointment as the special agent of Georgia to visit and confer with the Executive of Florida in relation to the disturbances on the unadjusted line of boundary between the two States, I have the honor to report, that I reached this city on the 26th inst and sought and obtained an early interview with Gov. Perry, he received and during my stay here has treated me with marked kindness and courtesy, he expressed his regret at the difficulties which had occurred on the border, his gratitude to Georgia for her prompt and friendly efforts to arrest and remove them, and his readiness cordially and efficiently to co-operate with Georgia in any, and every effort to maintain kind relations between the people residing on the borders of the two States. I handed him your letter introducing me to him and disclosing the object of my mission, a copy of the Resolution of the General Assembly of Georgia, under which I held the appointment of special agent, and also your letter of instructions to me, suggesting your views in regard to the mode of adjusting the difficulties. In our several and repeated conferences I presented to him all the facts known to me connected with the border controversies most of which were fully detailed in a letter forwarded to me at my request by the Hon. A. H. Hansell the Judge of the Superior Court of Georgia, in that District of the State where these controversies have existed as the result of my conferences with Gov. Perry. I herewith hand you

1st. A letter of Gov. Perry to yourself.

2d. Gov. Perry's Letter to me.

3d. A copy of Gov. Perry's special message to the General Assembly of Florida, forwarded to both branches on the day of its organization.

4th. A copy of Resolutions, offered in the Senate of Florida on the subject of the message, which there can be no doubt will be promptly adopted.

From these documents you will perceive that Florida cordially responds to your views, and will cordially co-operate with you in efforts to promote peace and good order on the borders of the two States, until the boundary line shall be designated.

As the Executive and Legislature of Florida propose immediate Legislation, in anticipation of the settlement of the line, with the view of quieting and affirming titles to land that shall fall on the Georgia side of the line, I respectfully submit to your Excellency, whether it would not be wise for the Legislature of Georgia, during the

present Session, to have corresponding legislation, in reference to land granted by Georgia, which, when the boundary line shall be designated, may fall on the Florida side. Congratulating your Excellency upon the prospect of an amicable adjustment of all the difficulties that have existed on the borders of the two States.

I have the honor to remain,

Respectfully, your ob't. serv't.,

D. C. CAMPBELL.

RESOLUTION,

Relative to the establishment of the boundary line between the State of Georgia, and the State of Florida :

Resolved, by the Senate and House of Representatives, of the State of Florida, in General Assembly convened, That on the final designation and establishment of the boundary line between the States of Florida and Georgia, if any land shall fall within the jurisdiction of this State, the title to which may have been conveyed or granted by Georgia, and which land shall, by virtue of any act of Congress of the United States, or otherwise enure to this State, the Governor of this State is, and shall be authorized and empowered to surrender to such person as may bona fide hold the title from Georgia all interest which this State may have therein.

Be it further resolved, That the Governor is hereby authorized to unite with the authorities of Georgia, in any application to the General Government, for such measures as may be deemed best to secure the bona fide holders of land, the title which they may have derived from the State of Georgia.

Be it further resolved, That in the event of any criminal prosecutions arising out of any difficulties between the persons residing in the disputed territory, the Governor is hereby authorized, in his judgment to direct nolle prosequies to be entered, and to take such other steps or measures as he may deem proper to preserve kindly relations between the people of the two States.

EXECUTIVE DEPARTMENT, }
November 29th, 1859. }

Gentlemen of the Senate and House of Representatives :

I communicate herewith, a copy of Resolutions passed by the Legislature of Georgia and copies of letters addressed to the Executive of the State, and to Col. D. C. Campbell, who has been appointed to confer with me in reference to the difficulties growing out of the unadjusted boundary line between Florida and Georgia.

I have not hesitated to express to Col. D. C. Campbell, in a reciprocal spirit, my desire to maintain a good understanding and friendly relations between the people of the two States; and to assure him that this Department will not fail to adopt such measures as may be needful to prevent any difficulties that may be apprehended on the border.

Under the Resolutions of the last Session, ratifying the action of the Executives of the two States, adopting the terminal points of the present recognized line, I have appointed a competent surveyor to unite with a surveyor on the part of Georgia, in running and marking the line between the two States. It is therefore expected that all ground of difficulty will be removed at an early date, and the controversy which has heretofore existed, be finally put to an end. It is, however, apprehended that in the final establishment of the line, litigation may arise in respect to the title of land which may fall within the jurisdiction either of Georgia or Florida, and I am assured that with respect to any litigation which may occur in Georgia, the Executive of that State, will recommend to the General Assembly such legislation as may be necessary to perfect titles in the hands of bona-fide holders. I would respectfully recommend to your favorable consideration such action as you may deem best to effect a similar purpose, so far as this State has any jurisdiction over the subject.

I would, however, suggest that, in all probability, if any land shall fall within the jurisdiction of this State, in the final designation of the line, the title would more properly attach to the United States, in which event, this State could do no more than unite with Georgia, in an application to the Federal Government for the adoption of such measures as would most effectually secure the end desired.

With respect to any criminal prosecutions that may grow out of the conflicts between those residing in the disputed Territory, I deem it proper to observe, that I shall be animated by the same spirit, and pursue the same course, if need be, proposed by the Executive of Georgia; and if the General Assembly shall deem it necessary to clothe the Executive with further power for that purpose, I respectfully recommend the proper action to that end.

Very respectfully,

M. S. PERRY.

CHATTAHOOCHEE, FLA., Nov. 28th. 1859.

Dear Sir: In running the boundary line between Georgia and Florida, it is proposed to run on the arc of a great circle, from the mouth of Flint River towards monument B. the eastern terminus agreed upon by the two States. It is the

ieved that this line will very nearly strike mound B., but ~~my~~ departure, however immaterial, from that mound, ~~without~~ some modification of the resolutions of the respective Legislatures, will require the running of a second or corrected line, back from mound B. to the junction of Flint and Chattahoochee. Mound B. is nothing more than a small hillock of earth, with a base of some eight feet, and an elevation of three or four, and was never intended as the terminus of the boundary line by Ellicott and Minor, but simply as a pointer on the nearest dry ground to indicate the terminus agreed upon by those commissioners. A line running from any other point in the immediate vicinity of mound B. can as easily be perpetuated, and identified hereafter, as one terminating at the centre of that mound. When the American and Spanish Commissioners fixed upon the eastern terminus, they further agreed that the line should be from the mouth of Flint River, and if it did not depart more than half a mile from said eastern terminus, it should be regarded and adopted as the boundary line. The Legislatures of the two States have agreed upon a different eastern terminus, namely mound B., but for the reasons stated, we recommend that the straight line run from the mouth of Flint River towards mound B. shall be adopted as the boundary line between Florida and Georgia, provided said line does not depart more than one fourth of a mile from mound B. But should the departure exceed that distance, we then recommend that a connected line be run and marked from mound B. to the mouth of the Flint River.—Should this distance, (one fourth of a mile or half of the distance agreed upon by Ellicott and Minor,) be regarded too great, then let some other limit be fixed upon by the two Legislatures. The adoption of this suggestion will save much time in executing the work, and much expense to the two States; while the amount of territory involved is utterly insignificant, both as to extent of surface, and value, lying as it does, chiefly along the eastern portion of the line.

Respectfully yours,

GUSTAVUS J. ORR.

[Signed,]

Surveyor on part of Georgia.

BENJAMIN Y. WHITNER, JR.

Surveyor on part of Florida.

To his Excellency, JOSEPH E. BROWN.

On motion of Mr. Seward, the foregoing communication from his Excellency the Governor, was referred to the committee on the State of the Republic.

The hour of adjournment having arrived, the President adjourned the Senate until 9 o'clock Monday morning.

MONDAY, DECEMBER 5th, 1859.

9 O'CLOCK, A. M.

The Senate met according to adjournment.

Mr. Printup moved to reconsider so much of the Journal of Saturday as relates to the vote by which,

A bill to be entitled an act give construction to and render more certain the 4th section of the Statutes of frauds and perjuries, so far as the same relates to any contract or sale of lands tenements or hereditaments or any interest in or concerning them was lost.

Which motion was lost.

Mr. Barclay moved to suspend the rules for purpose of offering a resolution, which was agreed to.

Mr. Barclay offered the following resolution which was taken up, read and agreed to.

Resolved, That all bills and resolutions hereafter passed by the Senate shall be forthwith transmitted to the other House for their concurrence, unless notice is given at the time, that a motion will be made for reconsideration.

The Senate took up, as the report of the Committee of the Whole,

A bill to be entitled an act to alter and amend the second section of the first article of the constitution of this State.

The Committee on amendments to the Constitution to whom this bill was referred, reported against its passage.

The report was agreed to, and the bill was lost.

Mr. Moore of Whitfield, Chairman of the committee on the Deaf and Dumb Asylum, made the following report:

The committee on the Deaf and Dumb Asylum to whom was referred a bill to be entitled an act to provide for the bi-ennial election of the Principal Teacher of the Georgia Institution for the Deaf and Dumb, and for other purposes, report the same back to the Senate and recommend that it do not pass.

Mr. Seward moved that the following bills, which had had been previously referred to the committee on amendments to the Constitution be referred to the committee on the Judiciary, to wit:

A bill to be entitled an act to amend the 11th section of the 3d article of the Constitution.

Also, a bill to be entitled an act to repeal a part of the first section of the third article of the Constitution.

Also, a bill be entitled an to alter and amend the first section of the 3d article of the Constitution as to the place or places of the setting of the Supreme Court of this State, which was agreed to.

Mr. Johnson of Clayton, Chairman of the committee on new counties and county lines made the following report :

The committee on new counties and county lines to whom was referred a bill to be entitled an act to change the line between the counties of Coweta and Campbell report the same back to the Senate, and recommend that it do pass.

J. F. JOHNSON,
Chairman.

Mr. Cone, from the committee on the Military report back to the Senate without any recommendation the following bills:

A bill to incorporate the Home Guards in Madison, Morgan county

A bill to incorporate Southern Rights Guards of the county of Houston.

An act, to incorporate the Stewart Volunteers, and to extend to them certain privileges.

And a memorial from a large number of citizens of Houston county.

PETER CONE,
Chairman.

The Senate took up as the report of the committee of the whole :

A bill to be entitled an act to revise the Jury system of this State to abolish appeals, and petit Jury trials to regulate continuances, to declare who are liable to serve as Jurors to expedite litigation, and for other purposes therein mentioned.

The committee on the Judiciary to whom this bill was referred, offered the following as a substitute in lieu of the original bill.

A bill to be entitled an act to revise the Jury system of this State, to abolish appeals and petit Jury trials, to regulate continuances, to declare who are liable to serve as Jurors, to provide a mode for striking special Juries to expedite litigation in the Superior Courts in this State, and for other purposes therein mentioned.

Mr. Holt moved that the bill with its amendments be laid on the table for the present, which was agreed to.

Mr. Hall moved that five hundred copies of said bill be printed for the use of the Senate, which was agreed to.

Mr. Johnson of Clayton moved to suspend the rules for the purpose of offering a resolution, which was agreed to.

Mr. Johnson of Clayton, offered following the resolution, which was taken up and read :

Whereas, There is a vast number of bills now pending in

the General Assembly, read the 2d and 3d time, and whereas by prolonging the session, some five or six days, the business may be brought to a close, and the next session be relieved from a great amount of labor, which will otherwise obstruct and impede the necessary legislation at that time: It is thereforefore,

Resolved, By the Senate and House of Representatives, that the present session of the Legislature be protracted from day to day until all the bills now pending before the General Assembly be disposed of.

Mr. Moore of Whitfield moved to amend the foregoing resolution by striking out the words "from day to day," and inserting in lieu thereof the following words "one week, unless the business of the Senate is sooner disposed of."

On motion of Mr. Seward the said resolution and amendments offered thereto, was made the special order for Tuesday next.

The rules being suspended, Mr. Harris of Worth, offered the following resolution, which was taken up, read and agreed to.

Resolved, That the Comptroller General be requested to communicate to the Senate and House of Representatives of the State of Georgia at the next session, the best means of providing against frauds upon the tax laws of this State, and to secure a full return of all the taxable lands and other property in this State.

The following Message was received from his Excellency the Governor, by Mr. Campbell, his Secretary, to-wit:

Mr. President:—The Governor has signed the following bills to wit:

A bill to amend an act entitled an act to alter and amend the road laws of this State, so far as relates to the county of Wayne, assented to, Dec. 22d, 1857.

A bill to prevent the sale of spiritous liquors within the town of Fayetteville in Fayette county, only on conditions therein amended.

A bill to authorize the Ordinary of Habersham county to grant letters of Guardianship on the estate of Susan S. Hackett.

A bill to confer other powers than those now granted to the Augusta Orphan Asylum.

A bill to legalize the marriage of Lawson Cody and Frances E. Cody, and for other purposes.

A bill to add the county of Wilcox, to the second Congressional District.

A bill to authorize A. C. Trimble, Administrator of Andrew M. Hamilton deceased, to sell the negroes of his intestate on the first Tuesday in January next.

The following message was received from the House of Representatives, by Mr. Diamond their clerk.

Mr. President :—The House of Representatives have concurred in the Senate amendments to the following bills of the House.

A bill to incorporate the Yahoola River and Cane Creek Hydraulic Hose Mining company.

A bill to incorporate the Etowah and Auraria Hydraulic Hose Mining company.

They have also adopted a resolution appointing a committee of three on the part of the House to join a like committee on the part of the Senate to take into consideration the propriety of prolonging the present session.

And have appointed as a committee on their part, Messrs. Gibson of Richmond, David and Delony.

Mr. Burnett, Chairman of the Joint Committee on the Lunatic Asylum made the following, Report.

The Joint Committee of the Senate and House of Representatives on the Lunatic Asylum beg leave to report:

That they have visited and examined the Institution and though but a limited time was necessarily given to the inspection of the building, and of its various appliances; they feel a just pride in a structure so worthy of our State, and of its benevolent projectors. None could fail to be impressed with the unsurpassing efforts of those having it in charge to contribute to the physical, moral and mental welfare of the unfortunate objects of charity confined within its limits.

Quiet, neatness and order seem to reign throughout the establishment, and the occupants exhibit the appearance of having been treated with the utmost humanity.

Your committee feel assured that nothing has been left undone that would promote their comfort, or increase their chances of restoration to health; and we take this occasion to express our willing and unqualified testimony of the eminent fitness for his position of the able, humane and efficient Superintendent.

Your committee with great unanimity concur in recommending the usual appropriation of ten thousand dollars for the salaries of Trustees, Treasurer, sub-officers, Attendants and for hire of servants.

And the further sum of fifteen thousand (\$15,000) dollars for the support of Pauper Patients. This sum we are assured, with proper economy will be sufficient for the support of the Institution, and allow a portion to be applied to works of indispensable necessity about the premises. Such as completing the unfinished walls, sewerage and ornamenting the ground around and especially in front of the main building. This last, in the opinion of the committee is of no little importance, whether viewed as simply ornamental or as adapted by its soothing influence to promote a healthy tone of mind. Nothing seemed so much to mar the beauty of the whole structure as the barren and desolate appearance of the grounds around an edifice otherwise so imposing.

We would gladly have recommended to the Legislature a suitable sum for the immediate improvement of the grounds but were withheld from doing so by the earnest solicitations of the Superintendent, who thinks in a few years to effect this object with the present resources of the Institution and if the usual appropriations be allowed.

Your committee have had under consideration the subject of idiots—those unfortunate persons for whose mental infirmity there is no remedy, and have concluded to recommend that His Excellency the Governor be authorized to appoint a commission to consist of three persons, whose duty it shall be to give the subject a careful examination, and report to the next session of the Legislature, the propriety of erecting suitable buildings for their reception or their future exclusion from the Asylum.

None can doubt the impropriety of their being placed in the same Institution provided for the insane, and yet they commend themselves to our sympathies as part with ourselves of the great human family.

It is also deemed advisable if such a commission be appointed, that they take the subject of insane blacks into consideration, and advise what disposition a sound and humane policy would dictate for their relief.

We have asked the Legislature to increase the salary of the Superintendent and Resident Physician, Dr. Green. This we do without the slightest intimation on his part that it was desired, but feeling it a duty we owe to a public servant of the State. We are sure that Dr. Greene is not mercenary. That his labor is a labor of love, but are we for that reason to suffer such distinguished merit to go unrewarded.

Five Commissioners were appointed some four years ago to superintend the construction of the main building and inclosures, four of whom last January withdrew from the commission, and authorized Mr. Ramsey, the present acting commissioner to wind up and settle the unfinished business

of the concern and for the payment of whose services, no provision is made. We therefore recommend that the sum of five thousand dollars be allowed for such services, and that the effect now in said commissioners hands be turned over to the Trustees, and that the commission, now no longer needed, be closed.

Mr. Paine from the committee on enrollment reports as duly enrolled, and ready for the signature of the President of the Senate,

An act to incorporate the trustees of the Presbyterian Church in the town of Perry, Houston county, and to incorporate Americus Lodge (No. 13) of Free and Accepted Masons, of the city of Americus, Sumter county, Georgia.

The Senate took up, as the report of the Committee of the Whole

A bill to be entitled an act for the pardon of John Fundy, now under sentence of death, for the crime of murder in the county of Gwinnett.

The report was agreed to.

Upon the question "shall this bill now pass" the yeas and nays were required and being recorded,

Were yeas 44, nays 48.

Those who voted in the affirmative were Messrs :

Alexander, Allred, Boggs, Briscoe, Brown, Burnett, Byars, Cannon, Davis, Flewellen, Glover, Hackett, Harris of Worth, Harvin, Head, Hill of Troup, Hines, Holt, Jamison, Johnson of Clayton, Lamar, Lenoir, Lockhart, Lott, Maddox, McDuffie, McGehee, McLeod, McRae, Paine, Poole, Printup, Pruitt, Reid of Morgan, Rushin, Sawyer, Shelton, Smith of Hancock, Summerour, Sweat, Tracy, Ward, Whitworth, Williams of Berrien.

Those who voted in the negative were Messrs :

Barclay, Bond, Carter of Elbert, Chester, Cloud, Collier, Cook, Cowan, Crittenden, Delaperriere, Denham, Evans, Fulton, Gartrell, Green, Grice, Griffin of Brooks, Hall, Hightower, Hill of Wilkes, Hitchcock, Hood, Hutchins, Hyde, Ivey, Jones, Lawton, Merrill, Moore of Whitfield, Morris, Oliver, Quillian, Reid of Taliaferro, Riley, Roberts, Seward, Shelton, Sheppard, Smith of Talbot, Snel, Stowers, Tatum, Tisby, Wellborn, Williams of Rabun, Wilson, Wynne, Young.

So the bill was lost.

The following Message was received from the House of Representatives, by Mr. Diamond their Clerk.

Mr. President: The House of Representatives have passed the following bill :

A bill to be entitled an act to pardon Thomas C. Whitworth of the county of Chattooga, now under the sentence of death for the crime of murder. And I am directed forthwith to transmit the same to this branch of the General Assembly.

On motion of Mr. Hackett, the rules were suspended, and the Senate took up the following bill of the House of Representatives, which was read the first time.

A bill to be entitled an act to pardon Thomas C. Whitworth, of the county of Chattooga, now under sentence of death for the crime of murder.

On motion of Mr. Hackett, one hundred and fifty copies of the testimony in said case was ordered to be printed for the use of the Senate.

The Senate took up as the report of the Committee of the whole :

A bill to be entitled an act to incorporate the Southern Rights Guards of Houston county.

Mr. Cook, moved to amend the report by adding additional sections incorporating the Macon county Volunteers, in the county of Macon, which was agreed to.

Mr. Briscoe, moved further to amend the report by extending the provisions of this bill to the "Governor's Horse Guards" a corps of cavalry in the county of Baldwin and the "Scott Rifles," a volunteer corps in the county of Talbot, which was agreed to.

The report, as amended, was agreed to the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole,

A bill to be entitled an act to incorporate the Home Guards in Madison, Morgan county.

The report was agreed to, the Bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole,

A bill to be entitled an act to authorize the Inferior Court of Early county, to levy a road tax, and for other purposes.

The report was agreed to. The bill was read the third time and passed.

The Senate took as the report of the committee of the whole :

A bill to be entitled an act to define and declare the jurisdiction of the Courts of State, in suits against Insured Companies.

Mr. Lawton, moved to amend the report by adding the following proviso.

Provided, The contract was made or cause of action arose within the county where the suit is brought.

Pending the consideration of which, the hour of adjournment having arrived the President adjourned the Senate until 3 o'clock, P. M.

THREE O'CLOCK. P. M.

The Senate met according to adjournment.

The Senate resumed the consideration of the unfinished business of the morning; which was

A bill to be entitled an act to define and declare the jurisdiction of the Courts of this State, in suits against Railroad Companies, and the amendments offered thereto.

The report as amended was agreed to, The bill was read the third time and passed.

Leave of absence was granted Mr. Pruitt, after Thursday next on special business.

Leave of absence was granted Mr. Hart, after Friday next on special business.

Mr. Johnson of Chattahoochee, asked permission to record his vote in the affirmative, on the bill for the pardon of John Fundy, which was granted.

The following message was received from His Excellency the Governor, by Mr. Campbell, his Secretary, to-wit:

Mr. President:—The Governor has signed the bill entitled an act, to extend the charter of the Planters Bank of the State of Georgia, which is herewith returned to this branch of the General Assembly accompanied by a communication in writing in reference thereto.

The following communication in writing from His Excellency the Governor, was taken up and read.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GA., Dec. 5th, 1859.

TO THE SENATE:

I deem it proper that I give the reasons which have induced me to give my sanction to the bill entitled an act, to extend the charter of the Planters Bank of the State of Georgia, and for other purposes therein named.

I do not hesitate to say that I am opposed to our present banking system, for reasons which I have heretofore given to the Senate and people of Georgia. I think it would be good policy for the State, in her fundamental law, to fix a period beyond which no bank charter shall extend. There are, however, at present, a number of banks having charters for a term of years as long as the extended term proposed to be given to the Planters' Bank. As these banks have a right to continue to exercise their chartered privileges, during the period of time fixed by their charter, unless sooner forfeited, it is not possible to rid ourselves entirely of the system, were we to attempt it, till the end of that period. There is, probably, no bank in the State which has done more to promote the interest of our people, and done less injury, than the Planters' Bank. It was originally chartered in 1810, and is therefore, one of the oldest banks in the State, and no one has, probably, been better managed.

I am informed upon reliable authority, that, in the war of 1812, the Planters' Bank advanced to the United States Government, for the support of our troops, over \$500,000 00, and afterwards received in payment, at par, 6 per cent bonds of the Federal Government, where the bonds were selling, in the market, at a discount. I also find, by reference to the message of Gov. Early, in 1814, that he acknowledges the assistance of this Bank, by the advance of money, *without interest*, to meet the then emergencies of the State, growing out of the war. I am informed that the Bank advanced to the State, about \$200,000 00, to assist in carrying on the Florida war. Again, at the time of our financial difficulties, growing out of the affairs of the Central Bank, the Planters' Bank advanced to Gov. Crawford, \$30,000 00, in aid of the State, and took State bonds, at par, in payment, when they were selling at a discount in the market. Upon patriotic considerations, therefore, the Bank makes a strong appeal to the State, and would seem to be entitled to continue to enjoy its privileges as long as the State permits other Banks to have like privileges. I suppose I might safely add, that no Bank in the State has been more useful to our Planters, or extended to them more accommodations.

From all these considerations, I am disposed to make this Bank an exception to a general rule, and have, therefore, signed the bill to extend its charter. The case, in my judgment, is quite different from that of an application to charter a new Bank, as the proposed new corporators, who have rendered the State no such assistance as has been rendered by this Bank, have not the same claim upon the State's liberality; nor have we the same guaranty, that the new Bank will be well managed, or remain solvent, as we have offered in its past history for half a century, that such will be the future course and condition of this Bank. Numerous appli-

cations are made, from year to year, for new charters, which when obtained, are often sold by those who procure them, upon speculation; and thus great imposition is practiced upon our people by those who control them, and who can so direct their affairs as to cause them to suspend, or become insolvent, whenever it will advance the interest of the managers. The result has already been, that the people have lost hundreds of thousands of dollars, by failures of this character. There seems to be a disposition to have a Bank characterized in almost every country village. If this practice is to prevail, the losses to be sustained by our people, on this account, will, in future, no doubt, be very great. Even under our present banking system, I do not doubt that we now have as many banks in the State, as can be sustained, if they confine themselves to a legitimate banking business. While, therefore, I will not refuse to co-operate with the General Assembly to continue in existence, while other Banks exist, one of our best and most reliable Banks, I do not hesitate to express the opinion, that the wants of our people do not require an increase of the number of Banks in the State.

JOSEPH E. BROWN.

The Senate took up as the report of the committee of the whole, the following bill of the House of Representatives:

A bill to be entitled an act to repeal an act to authorize Georgia Railroad and Banking Company, to build a Branch Road to the town of Eatonton in Putnam county, and to increase the capital stock of said Company, assented to 11th December, 1858.

Mr. Hill of Troup, moved to amend the report by adding the following proviso.

Provided, If the Georgia Railroad Company shall accept the amendment to their charter hereby intended to be repealed and proceed in good faith to build the said Road by the first day of June next this act shall not take effect.

Upon agreeing to which Mr. Hill of Troup, required the yeas and nays which being recorded,

Were yeas 31, nays 78.

Those who voted in the affirmative are Messrs:

Alexander, Chester, Cloud, Collier, Fulton, Hill of Troup, Hill of Wilkes, Hitchcock, Holt, Hood, Hutchins, Jamison, Jones, Jordan, Kirby, Lockhart, Lott, McDuffie, McGhee, McLeod, McRae, Printup, Quillian, Ritch, Roberts, Sirman, Smith of Talbot, Tracy, Trippe, Usry, Wilson.

Those who voted in the negative, are Messrs ,

Allred, Barclay, Bartlett, Batts, Boggs, Bond, Briscoe, Brown, Burnett, Byars, Carter of Echols, Carter of Elbert, Cook, Cone, Cowen, Crittenden, Davis, Delaperriere, Denham, Donaldson, Evans, Flewellen, Gartrell, Glover, Green, Grice, Griffin of Brooks, Griffin of Twiggs, Hackett, Hall, Hart, Harris of Worth, Harvin, Head, Hightower, Hill of Sumter, Hines, Hyde, Ivey, Johnson of Chattahoochee, Johnson of Clayton, Johnson of Cass, Lamar, Maddox, Merrill, Moore of Whitfield, Morris, Oliver, Paine, Poole, Pruitt, Reid of Morgan, Reid of Taliaferro, Riley, Robinson, Rushin, Sawyer, Seward, Shelton, Shellnut, Sheppard, Smith of Hancock, Snell, Stowers, Summerour, Sweat, Tatum, Wallace, Ward, Wellborn, Wells, White, Whitehurst, Whitworth, Williams of Berrien, Williams of Rabun, Wynne, Young.

So the motion to reconsider did not prevail.

The report was agreed to, and upon the question "shall this bill now pass," the yeas and nays were recorded, and

Were yeas 73, nays 34.

Those who voted in the affirmative were Messrs.

Allred, Barclay, Bartlett, Batts, Briscoe, Brown, Burnett, Byars, Cannon, Carter of Echols, Carter of Elbert, Cook, Cone, Cowen, Crittenden, Davis, DeLapierre, Denham, Donaldson, Gartrell, Glover, Green, Griffin of Brooks, Hackett, Hall, Hart, Harris of Dougherty, Harris of Worth, Harvin, Head, Hightower, Hill of Sumter, Hines, Hyde, Ivey, Johnson of Chattahoochee, Johnson of Clayton, Johnson of Cass, Lamar, Lenoir, Maddox, Merrill, Moore of Whitfield, Morris, Oliver, Paine, Poole, Pruitt, Reid of Morgan, Reid of Taliaferro, Riley, Robinson, Roberts, Rushin, Sawyer, Seward, Shelton, Shellnut, Smith of Hancock, Snell, Stowers, Sweat, Tatum, Wallace, Wellborn, Wells, White, Whitehurst, Whitworth, Williams of Berrien, Williams of Rabun, Wynne, Young.

Those who voted in the negative are Messrs.

Atkinson, Boggs, Bond, Chester, Cloud, Collier, Flewellen, Fulton, Grice, Griffin of Twiggs, Hill of Troup, Hill of Wilkes, Hitchcock, Holt, Hood, Hutchins, Jones, Jordan, Kirby, Lockhart, McDuffie, McGehee, McLeod, McRea, Printup, Ritch, Sheppard, Sirman, Smith of Talbot, Tracy, Trippe, Usry, Ward, Wilson.

So the bill was passed.

The following Message was received from his Excellency the Governor, by Mr. Campbell, his Secretary, to wit :

Mr. President.—I am directed by the Governor to lay before this branch of the General Assembly, a communication in writing, in response to the Resolution of the Senate, calling for information in reference to the Hotels erected on the line of the Western and Atlantic Railroad.

The following communication in writing from His Excellency the Governor, was taken up and read.

EXECUTIVE DEPARTMENT, }
Milledgeville, Georgia, Dec. 5th, 1859. }

To the Senate :

The copy of a Resolution of the Senate calling on me for information in reference to the Hotels established on the line of the Western and Atlantic Railroad, has this day been presented to me by Mr. West, Secretary of the Senate ; and in response to it, I herewith transmit a copy of a letter received from Dr. John W Lewis, the Superintendent of the Road, which gives all the facts in my possession connected with the erection of these Houses.

It will be seen by reference to this statement of Dr. Lewis, that the house at Big Shanty was a necessity, and the outlay made by him on the construction and repair of the two Houses, but little exceeds \$2,000. Upon this outlay, as Superintendent, he receives from the two Houses \$480.00 per annum rent, which is paid into the State Treasury.—This is about twenty-five per cent upon the sum expended by him in the preparation of the Houses for their present use.

Before this outlay, not a dollar was received from either. I trust therefore, that the State is nothing injured by the erection of these Houses.

JOSEPH E. BROWN.

OFFICE SUP'T W & A. R. R. }
Atlanta, Geo., 29th Nov. 1859. }

To his Excellency, JOSEPH E. BROWN :

SIR : Your favor of yesterday is just received, informing me that a Resolution had passed the Senate calling upon you for information in regard to the reason why we had built Hotels on the W & A. R. R., &c.

In answer to the Resolution, I state, that the act, whether right or wrong, is *mine*, not *yours*. As the ex-officio President of the Road, you are held accountable for the acts

of your subordinates, and if this act is wrong, in this relation you are regarded as accountable.

There are two eating houses on the road, belonging to the road—one at Big Shanty, about 8 miles west of Marietta, in Cobb county, the other about two miles east of Ringgold, in Chattooga county. The house was built at Big Shanty for the following reasons: the down day way freights, finished their second days work (after leaving Atlanta,) and coming down on their return near this place, for a great while past, they staid all night at Acworth, a village about six miles west of Big Shanty—Big Shanty is at the summit of what is known on the road as "Big Shanty Grade," extending nearly all the way from Allacoon creek (a distance of about $8\frac{1}{2}$ miles) to Big Shanty summit—Acworth is on this grade. The heavy freight trains staying here all night, were often greatly troubled to make Big Shanty summit in Spring, Summer and Fall, from dew on the rails, which caused the driving wheels of the engines to slip, and in Winter from frost, snow, and ice, producing the same effect. Superadded to this, was sometimes want of steam in the morning, when fires were first started; and always cold and stiff journals in cold wintry mornings, greatly adding to the difficulty of moving the trains up the grade. These embarrassments were often of a serious character, on the *long, high, and very crooked* grade, putting the trains out of *time*, sometimes requiring the separation of a train, running *one-half* over the summit, and two miles beyond, to a sideling, and then going back for the other half. The damage done to the engines on this grade from straining and sliding, was very great, saying nothing about detention of trains, and danger of collisions from the delay. These could all in a great measure be obviated, by making the summit in the evening, when the grade could be made, under full head of steam, and on a rail more exempt from frost or dew, in the evening, than in the morning. These are the main reasons why, sidelings were built at Big Shanty summit, and the building the sidelings, and the freights staying there involved the necessity of building a house for the employers of the Road to eat in, sleep in, and where they could have some comfort. The building of Big Shanty, was a *consequence*—one, the cost and trouble of which I should have gladly avoided, if it stood in any light than a *consequence*, which has, and will though save thousands to the road in money, or its worth, saying nothing of delay of trains, and the dangers arising from delay. The frame of Big Shanty Hotel was built mainly with old and cracked and sprung timber, picked up about the yard, and along the road, and closed in with new timbers and plastered. The main body of the building was framed at the road shop—this main building I rented for (at the rate of) one hundred

and eighty dollars per year, a dining room additional was afterwards framed and added to the house by the road, making the building cost altogether, with the loan of two thousand dollars, renting, since the addition (at the rate of) two hundred and forty dollars per year, which will go as nett profits in to the State Treasury. In both cases, I estimated the rent at the rate of 12 per cent per year on the cost.

I bought on this summit, about two acres of land for the road, at a price but little more than nominal—this I did to have room for sidelings for trains, for a small depot, intended to be built and as a consequence, for Big Shanty eating house.

As to Catoosa eating house, the authorities of the Road bought in (or about the year 1852) a small lot of ground here, and built on it a house, costing about eleven hundred dollars, which house was a sort of contingent to Catoosa Springs in Catoosa county (then a place of much public resort) and was a sort of passenger and baggage depot. This house I found in a very neglected condition, and exposed to decay. The false roof (of some sort of material) being tattered and torn, letting rain into the building. I thought it to the interest of the road to preserve the building, as it might be of some future use to the road, and therefore had a new roofing framed and covered in with shingles, not knowing what use it might be of, but that it was economy to *save* the building. About six weeks ago a change of schedule became necessary to make our connections with other roads *closer*, and in figuring out the Schedule I found that Breakfast, Dinner, and Supper, would (in the different trains) have to be taken at either Tunnell Hill or Ringgold. Tunnell Hill had a good eating house, but was too far from the road, especially in winter. Ringgold had two good eating houses, but I had had difficulty in stopping the trains at a satisfactory point to *both* houses, and such had been the rival interests of parties, that it terminated in a general fight, at the stopping of a train the weapons used being whatever most readily came to hand, *shooting* embraced: so that I thought it would be to the interest of the road and comfort of travellers, to *save* the house, (which I had covered to *save* it,) to good account, by making a little alteration in the building, and building a small kitchen. This was accordingly done in about six to eight days time, at an expense of about 150 dollars. I engaged a man, who is nothing to me in any shape or form, (more than his being a helper of a first rate table,) to keep the house, for the rent of which, I expect to receive for the road at the rate of two hundred and forty dollars per year.—This house, therefore, which cost originally to the road eleven hundred dollars, and was a dead property to the road

has by a additional outlay of about 150 dollars, been made a source of revenue, to be paid into the State Treasury, at the rate of about two hundred and forty dollars per year. To me it looks that this is a good financial operation. These two good eating houses are both good investments for the road.

In conclusion, I state that I did not consult your Excellency about these improvements, because, first, they were obviously to my mind, necessary, and secondly, did not involve a large expense, and would be worth to the road much more than their cost.

My short experience in railroading satisfies me that eating houses on the line of roads should be the property of the road, for then they can rid travellers of the annoyance of drunkards, and in no other way; nor can travellers have assurance of better fare in any other way than by roads having the power to remove the keepers of eating houses upon failure to keep good tables. In these hotel matters I have had great annoyance, and it was the result of my best judgment to act as I have in arranging for the eating of the travelling public and employees of the road. Had I consulted the interests and comfort less and interested parties more, I might in all probability have avoided the necessity of this exposition.

To the tavern keepers on the road, I have neither particular good nor ill will. I keep square with them all, by paying for what I get, never having been, nor never intending to be under obligation to any one of them.

Very respectfully, your ob't. serv't.,

JNO. W. LEWIS.

Sup't. W & A. R. R.

Mr. McGehee chairman of the Committee on the State of the Republic made the following report:

The Committee on the State of the Republic to whom was referred the message of His Excellency the Governor in relation to the question of boundary between this State and Florida with the accompanying Documents report the following bill:

"A bill to be entitled an act to authorize the Governor to appoint a commissioner or commissioners to examine and adjust the claim or claims of citizens of Georgia residing on the Georgia line and whose rights and titles to lands acquired from this State may be affected by the proposed and contemplated settlement of the boundary line between Georgia and Florida, which was read the first time.

On motion of Mr. Johnson of Cass the rules were suspended, for the purpose of offering a resolution.

Mr. Johnson of Cass offered the following resolution which was taken up and read.

Resolved, That the conduct of the authorities of the Western and Atlantic Rail Road in erecting the building at Big Shanty and in repairing the house at Catoosa platform, meet with the approbation of the Senate.

Mr Harris of Worth moved to amend the resolution so as to authorize the building of a bar-room in connection therewith, which was lost.

Pending the consideration of the foregoing resolution the hour of adjournment having arrived the President adjourned the Senate until 7 o'clock P. M.

SEVEN O'CLOCK, P. M.

The Senate met according to adjournment.

The Senate resumed the consideration of the unfinished business of the afternoon, which was a resolution approving the erection of Big Shanty, and the improvement of the house at Catoosa Platform on the Western and Atlantic Railroad, by the officers of said Road.

Mr. Hill of Troup, offered the following as a substitute in lieu of the original resolution.

Resolved by the Senate,

1st. That while we will not disavow the act of the Superintendent of the State Road in erecting the "Big Shanty" as the money has already been expended, yet we are not willing that this expression should be construed into a willingness to allow this as a precedent to justify public officers on the State Road or elsewhere, in using the public funds without the proper authority of Legislative appropriation.

2nd. That while we have confidence in the honesty of Dr. John W. Lewis, we believe the purity of all governments, requires that the administrators of that government should be removed as far as possible from all inducements to use a public office either directly or indirectly for individual profit or speculation, and should rely solely on their salaries or other authorized compensation, and the Senate rest contented with the expenditures made for eating houses on the Western and Atlantic Railroad, with the distinct understanding, that the officers on said Road have no pecuniary interest in the same, either directly or indirectly, nor in the income or profits thereof.

Mr. Johnson of Clayton, moved that the original resolu-

tion and substitute be postponed indefinitely, upon agreeing to which motion,

Mr. Hackett required the yeas and nays, which being recorded, were yeas 45, nays 53.

Those who voted in the affirmative were Messrs.

Alexander, Allred, Barclay, Batts, Boggs, Bond, Briscoe, Burnett, Byars, Cannon, Carter of Elbert, Chester, Cloud, Cone, Davis, Denham, Donaldson, Glover, Grice, Griffin of Brooks, Griffin of Twiggs, Harris of Dougherty, Harvin, Hill, of Wilkes, Lockcock, Johnson of Clayton, Kirby, Lawton, Lott, Mackox, McDuffie, McRea, Moore of Whitfield, Paine, Ritch, Robinson, Sawyer, Shellnut, Sirman, Snell, Sweat, Trippe, Wellborn, Whitehurst, Young.

Those who voted in the negative were Messrs.

Collier, Cook, Cowen, Crittenden, Evans, Fulton, Green, Hackett, Hall, Hart, Harris of Worth, Head, Hightower, Hill of Sumter, Hill of Troup, Hines, Holt, Hutchins, Hyde, Ivey, Jamison, Jones, Jordan, Lamar, Lenoir, Lockhart, Merrill, McFarrel, Morris, Oliver, Poole, Printup, Quillian, Reid of Taliaferro, Riley, Roberts, Seward, Shelton, Shellnut, Sheppard, Smith of Hancock, Smith of Talbot, Summerour, Tatum, Tracy, Usry, Wallace, Wells, White, Whitworth, Williams of Berrien, Williams of Terrell, Wilson, Wynne,

So the motion to postpone indefinitely did not prevail.

The question recurring upon the adoption of the substitute Mr. Oliver called for the previous question, which being seconded, the main question was ordered to be put, and upon the question, "shall the substitute be adopted in lieu of the original motion?"

The yeas and nays were recorded, and were yeas 33, nays 61.

Those who voted in the affirmative were Messrs :

Alexander, Boggs, Brown, Chester, Cloud, Cook, Evans, Flewellen, Hackett, Harris of Worth, Harvin, Hill of Sumter, Hill of Troup, Hines, Holt, Hyde, Kirby, Lenoir, McRae, Poole, Printup, Reid of Taliaferro, Riley, Seward, Sirman, Smith of Hancock, Trippe, Ward, Wells, White, Whitehurst, Williams of Terrell, Wynne.

Those who voted in the negative, were Messrs ,

Allred, Barclay, Batts, Briscoe, Burnett, Byars, Cannon

Carter of Elbert, Collier, Cone, Cowen Crittenden, Davis, Denham, Donaldson, Fulton, Glover, Green, Griffin, of Brooks, Griffin of Twiggs, Hall Hart, Harris of Dougherty, Head, Hightower, Hill of Wilkes, Hitchcock, Hutchins, Ivey, Jamison, Johnson of Clayton, Jones, Jordan, Lamar, Lawton, Lockhart, Lott, Maddox, Merrill, McDuffie McLeod, Moore of Whitfield, Morris, Oliver, Quillian, Ritch, Robinson, Roberts, Sawyer, Shelton, Shellnut, Smith of Talbot, Snell, Tracy, Usry, Wallace, Wellborn, Whitworth, Williams of Berrien, Wilson, Young,

So the substitute was not received in lieu of the original Resolution.

The question recurring on agreeing to the original resolution, the yeas and nays were required to be recorded, and were yeas 43, nays 52.

Those who voted in the affirmative were Messrs.

Allred, Barclay, Byars, Cannon, Collier Cone, Cowen Crittenden, Davis, Denham, Fulton, Green, Griffin of Brooks, Griffin of Twiggs, Hall, Hart, Head, Hightower, Hill of Wilkes, Hitchcock, Hutchins, Ivey, Jamison, Jones, Jordan, Lamar, Merrill, Morris, Oliver, Quillian, Ritch, Roberts, Sawyer, Shellnut, Smith of Talbot, Snell, Tracy, Usry, Wallace, Wellborn, Whitworth, Williams of Berrien, Wilson,

Those who voted in the negative, were Messrs.

Alexander, Batts, Boggs, Brown, Burnett, Carter of Elbert, Chester, Cloud, Cloud, Cook, Donaldson, Evans, Glover, Hackett, Harris of Dougherty, Harris of Worth, Harvin, Hill of Sumter, Hill of Troup, Hines, Holt, Hood, Hyde, Johnson of Clayton, Kirby, Lawton, Lenoir, Lockhart, Lott, Maddox, McDuffie, McLeod, McRae, Moore of Whitfield, Poole, Printup, Reid of Taliaferro, Riley, Robinson, Seward, Shelton, Sheppard, Sirman, Smith, of Hancock, Tatum, Tripp, Ward, Wells, White, Whitehurst, Williams of Terrell, Wynne, Young.

So the Resolution was not agreed to.

The Senate took up the following bills of the House of Representatives which were severally read the second time, and referred to the committee of the whole.

A bill to be entitled an act to incorporate the Richmond Fire Company, No. 7. (seven) and for other purposes.

Also, a bill to be entitled an act to amend an act entitled

an act to define the liabilities of the several Railroad companies of this State for injury to persons or property, and to prescribe in what counties they may be sued, and how served with process, approved March 5th, 1856, and for other purposes.

Also, a bill to be entitled an act to amend the first section of an act to add an additional section to the tenth division of the Penal Code, and for other purposes, assented 21st December, 1857.

Also, a bill to be entitled an act, to alter the times of holding the Superior Courts of the county of Effingham, and for other purposes therein mentioned.

Also, a bill to be entitled an act to amend an act to authorize the issuing of attachments, and garnishments, and to regulate the proceeding in relation to the same, and for other purposes therein mentioned, approved March the 4th, 1856, and to extend the provisions of the same.

Also, a bill to be entitled an act to alter and amend the charter of the Gulf and Atlantic Railroad company, and to locate the West end of said Road.

Also, a bill to be entitled an act for the the relief of Wilson W Poe, of the county of Early.

Also, a bill to be entitled an act to add a part of the county of Gilmer to the county of Fannin, and to change the line between the counties of Troup and Merriwether, and Troup and Harris, and for other purposes therein mentioned.

Also, a bill to be entitled an act to incorporate the Baltimore and Savannah Steamship company.

Also, a bill to be entitled an act for the relief of Sterlin S. Jenkins, of the county of Merriwether.

Also, a bill to be entitled an act to levy a tax on all goods peddled in this State or sales by sample or otherwise by itinerant drummers, or other persons, and for other purposes.

Also, a bill to be entitled an act to incorporate the Gate City Guards of Atlanta, and to grant certain immunities and privileges to the members of the same.

Also bill, to be entitled an act to amend the 35th section of the 14th division of the Penal Code.

Also a bill, to be entitled an act to repeal an act entitled an act to regulate the testimony of Attorneys at Law.

Also a bill, to be entitled an act, to amend an act entitled an act to amend the rent laws of this State, approved the 24th December, 1827.

Also an act entitled an act to protect the owners of lands and tenantry against intruders, and provide a remedy for land owners in certain cases, approved 14th February, 1854.

Also a bill, to be entitled an act to incorporate the towns

of Sylvania and Scarboro, in the county of Screven, and to amend the charter of the city of Atlanta.

Also a bill, to be entitled an act to prevent the firing of woods, between the first day of May and the first day of February, in each and every year, in the counties of Echols and Clinch, and for other purposes.

Also a bill, to be entitled an act to change the line between the counties of Dawson and Lumpkin, so as to include the residence of James Rice, in the county of Dawson.

Also a bill, to be entitled an act to amend an act to incorporate the town of Camilla, in the county of Mitchell, approved March 3d, 1856.

Also a bill, to be entitled an act to incorporate Spring Vale Institute, located in Randolph county, Georgia.

Also a bill, to be entitled an act for the relief of Richard Myrick, of Pike county.

Also a bill, to be entitled an act for the relief of James M. Jones, of the county of Bibb, Executor of the last will and testament of James S. Beall, late of Dooly county, deceased, and for other purposes therein mentioned.

Also a bill, to be entitled an act to authorize the Mayor of the city of St. Marys to hold special Courts for summary trial of any dispute or difference between any ship master, owner, consignee or super cargo of any vessel, articulated seaman, or other person, in the corporate limits of said city.

Also a bill, to be entitled an act to change the times of holding the Superior and Inferior Courts of Upson county.

Also a bill, to be entitled an act to incorporate the Hancock Van Guard and Infantry Company, in the county of Hancock, and also the Hancock Troup of Cavalry, of said county, and to incorporate the Jackson Rifles, and for other purposes.

Also a bill, to be entitled an act to change the time of holding the Inferior Courts of the counties of Webster, and Dade, and to change the time of holding the Superior Courts of the counties of Richmond and Glynn.

Also a bill, to be entitled an act to incorporate the Georgia Hussars, a Volunteer Cavalry corps, of Savannah.

Also a bill, to be entitled an act to reduce the Sheriff's bond of the county of Milton.

Also a bill, to be entitled an act to protect the possession of the lands of actual residents of the county of Charlton, and for other purposes.

Also a bill, to be entitled an act to incorporate the Jackson Artillery, of the city of Macon, and to authorize the Governor to furnish them with suitable arms and accoutrements, and grant certain immunities and privileges to the members of the same.

Also a bill, to be entitled an act to alter and amend the third section of the first article, and the second section of the

second article of the Constitution of the State of Georgia, by striking out the word Monday, where it appears in each of said sections, and inserting in lieu thereof, the word Wednesday, and inserting also, in the said third section, the words House of Representatives and members of Congress, after the word Senate.

Also a bill, to be entitled an act to confer certain powers upon the Judge of the City Court of Savannah, and for other purposes therein mentioned.

Also a bill, to be entitled an act to exempt from taxation one acre of land in the county of Montgomery, appropriated as the burial place of George M. Troup, deceased, and to constitute the Justices of the Inferior Court of said county, Trustees for the protection thereof.

Also a bill, to be entitled an act to amend the charter of the American Atlantic Screw Steamship Company, granted 19th of December, 1857, and to allow an increase of capital of said Company.

Also a bill to be entitled an act to prevent the killing of deer in the county of Screven.

Also a bill, to be entitled an act to amend an act entitled an act authorizing the arrest, by the Marshal of the village of Sparta, without warrant, and the confinement in the common Jail of the county of Hancock, of all persons violating the laws passed by the Commissioners of said village, against drunkenness, and other gross and immoral conduct in said village and for other purposes, assented to December 11th, 1858.

Also a bill, to be entitled an act to amend an act entitled an act to amend the Road Laws of this State, so far as relates to the county of Coffee, approved March 1st, 1856, so as to apply the provisions of said act to the county of Clinch.

Also a bill, to be entitled an act to incorporate the Law School of Joseph H. Lumpkin, Thomas R. R. Cobb, and William H. Hull, in the town of Athens, and for other purposes.

Also a bill, to be entitled an act to change the line between the counties of Thomas and Mitchell, to as to include the residence of E. H. Taylor, of the county of Thomas, within the county of Mitchell.

Also a bill, to be entitled an act to change the county line between the counties of Ware and Pierce.

Also a bill, to be entitled an act to incorporate Trenton Academy, to appropriate a sum of money for the same, and for other purposes.

Also a bill, to be entitled an act for the relief of Arthur Haire, of the county of Cass.

Also a bill, to be entitled an act to change the line between the counties of Warren and Glasscock, so as to change the residence of Samuel Hart, Wm. Swint and Mrs. Mary

Hobbs, from the county of Glascock, to the county of Warren, and for other purposes.

Also a bill, to be entitled an act to consolidate the offices of Clerk of the Superior and Inferior Courts of the counties of Hall and Dade.

Also a bill, to be entitled an act to amend the act of 11th December, 1858, in relation to the returns of Lottery Managers and Insurance Companies, and Express Companies doing business in this State.

Also a bill, to be entitled an act to incorporate the Relief Fire Company, No. Two, in the town of Athens, and to extend to it certain privileges.

Also a bill, to be entitled an act to compensate the Justices of the Peace in Decatur county, for making out and returning lists of poor children to the Ordinary.

Also a bill, to be entitled an act to incorporate the Indian Creek Baptist Church, in the county of Franklin, and to appoint Trustees for the same.

Also a bill, to be entitled an act for the relief of William M. Pyram, of Fayette county.

Also a bill, to be entitled an act, to incorporate the Mutual Building and Loan Association, of Columbus.

Also a bill, to be entitled an act to alter and change the time of holding the Superior and Inferior Courts for the county of Walker, and the Superior Courts for the county of Dade.

Also a bill, to be entitled an act to change the name of the Southern Central Agricultural Society to that of the State Agricultural Society of Georgia, and for other purposes.

Also a bill, to be entitled an act adding an additional section to an act passed, incorporating the town of Athens, county of Clarke.

Also a bill, to be entitled an act to incorporate the town of Quitman, in Brooks county, and to confer upon the citizens of said town the privilege of electing town Commissioners, with certain powers therein enumerated, and for other purposes therein specified.

Also a bill, to be entitled an act to incorporate the town of Blackshear, in Pierce county, and to confer upon the citizens of said town the privilege of electing town Commissioners, with certain powers therein enumerated, and for other purposes.

Also a bill, to be entitled an act to alter and change the county line between the counties of Glascock and Warren, and to change the residence of Richard H. Clarke, from the county of Glascock, to the county of Warren, and to take certain lots of land therein named, from the county of Macon, and add them to the county of Taylor, and for other purposes.

Also a bill, to be entitled an act to change the line be-

tween the counties of Coweta and Heard, and to add lot of land number 84, in the fifth District of originally Henry, now Fayette county, to the county of Clayton.

Also a bill, to be entitled an act to appropriate money to defray the expenses of the pupils of the Georgia Academy for the Blind, and to provide furniture, apparatus, and books for said Academy.

Also a bill, to be entitled an act to incorporate the Georgia Grays, of the city of Columbus, and to extend to them certain privileges.

Also a bill, to be entitled an act to erect the monument of Governor Jared Irwin, in the town of Sandersville.

Also a bill, to be entitled an act to authorize the Ordinary of Baldwin county, to pay over to Sarah M. Candler, the sum of two hundred and three dollars and ninety cents, for teaching poor children in said county, and also to authorize him to pay to L. Carrington, thirty-one dollars and sixty-six cents, balance due him for teaching poor children in said county for the year 1858.

Also a bill, to be entitled an act to authorize the Justices of the Inferior Court, of Gilmer county, to levy and collect an extra tax, for the purpose of paying the county debt created by building their Court House.

Also a bill, to be entitled an act to amend the incorporation of the Savannah Volunteer Guards, of the city of Savannah.

Also a bill, to be entitled an act to regulate the sale of spirituous liquors in the county of Stewart, and for other purposes.

Also a bill, to be entitled an act to alter and change the law imposing a tax on shows, so far as relates to the county of Walker.

Also a bill, to be entitled an act to authorize the Justices of the Inferior Court of Sumter county, to levy an extra tax for county purposes.

Also a bill, to be entitled an act to amend an act entitled an act to incorporate the Orphan's Home, of the Protestant Episcopal Church, in Chatham county, and for other purposes therein named.

Also a bill, to be entitled an act for the relief of John S. Carpenter, late Tax Collector of the county of Montgomery.

Also a bill, to be entitled an act to amend an act incorporating the Madison Presbyterian Church, so far as relates to the filling of the vacancies of Trustees, assented to the 7th December, 1851.

Also a bill, to be entitled an act, to constitute the town of Cuthbert, Randolph county, a city, to provide for the election of officers, to define the powers of the several officers of said city, as well as of the corporation, to extend the limits of Cuthbert and for other purposes.

The Senate took up the following bills of the House, which were severally read the second time and referred to the committee on the Judiciary :

A bill, to be entitled an act to amend an act entitled an act to abolish imprisonment for debt, on certain conditions therein set forth, and for other purposes, assented to, December fifth, 1858, and for other purposes.

Also a bill, to be entitled an act to facilitate the taking of cases to the Supreme Court by Executors, Administrators and Guardians.

The Senate took up the following bill of the House of Representatives, which was read the second time and referred to the committee on Internal Improvement:

A bill, to be entitled an act to amend the several acts of the General Assembly, relating to the Savannah and Albany Rail Road Company, and the Savannah, Albany and Gulf Rail Road Company, and to authorize the said Company to construct Branch Roads to the boundary line between Georgia and Florida.

The hour of adjournment having arrived, the President adjourned the Senate, until 9 o'clock, to-morrow morning.

TUESDAY, DECEMBER 6TH, 1859.

The Senate met according to adjournment.

Mr. Holt moved to reconsider so much of the Journal of yesterday, as relates to the vote by which,

A bill to be entitled an act for the pardon of John Fundy, now under sentence of death for the crime of murder, in the county of Gwinnett, was lost, which was agreed to.

Mr. Collier moved to reconsider so much of the Journal of yesterday as relates to the vote by which a resolution approving the erection of the eating house at Big Shanty, and improvement at Catoosa Platform, on the Western and Atlantic Rail Road; was lost.

Upon agreeing to which motion, Mr. Collier required the yeas and nays, which being recorded were yeas 57; nays 56.

Those who voted in the affirmative were Messrs.

Allred, Arkison, Barclay, Batts, Briscoe, Burnett, Byars, Cannon, Collier, Cooper, Cone, Cowen, Crittenden, Denham, Fulton, Gartrell, Glover, Green, Grice, Griffin of Brooks, Grinn of Twiggs, Hall, Hart, Head, Hightower, Hill of Wilkes, Hitchcock, Hutchins, Ivey, Jamison, John-

son of Cass, Jones, Jordon, Lamar, Lawton, Lockhart, Lott, Merrill, McGehee, Moore of Whitfield, Morris, Oliver, Paine, Pruitt, Robinson, Roberts, Shelton, Shellnut, Smith of Talbot, Turner, Tracy, Usry, Wallace, Wellborn, Whitworth, Williams of Rabun, Wilson.

Those who voted in the negative were Messrs :

Alexander, Bartlett, Billups, Boggs, Bond, Brown, Carter of Echols, Carter of Elbert, Chester, Cloud, Cook, Donaldson, Evans, Flewellen, Hackett, Harris of Dougherty, Harris of Worth, Harvin, Hill of Sumter, Hill of Troup, Hines, Holt, Hood, Hyde, Johnson of Clayton, Kirby, Lenoir, Maddox, McDuffie, McLeod, McRea, Poole, Printup, Quillian, Reid of Taliaferro, Riley, Ritch, Rushin, Sawyer, Seward, Sheppard, Sirman, Snell, Stowers, Summerour, Sweat, Tarver, Tatum, Trippe, Ward, White, Whitehurst, Williams of Berrien, Williams of Terrell, Wynne, Young.

So the motion to reconsider prevailed.

On motion of Mr. Holt, the rules were suspended, and the Senate took up as the report of the committee of the Whole,

A bill to be entitled an act for the pardon of John Fundy, now under sentence of death for the crime of murder, in the county of Gwinnett.

The report was agreed to, and upon the question "shall this bill now pass?" the yeas and nays were recorded, and were yeas 50, nays 42.

Those who voted in the affirmative were Messrs.

Alexander, Allred, Atkinson, Batts, Billups, Boggs, Briscoe, Brown, Burnett, Byars, Cannon, Chester, Flewellen, Glover, Griffin of Brooks, Hackett, Harris of Worth, Harvin, Head, Hill of Sumter, Hill of Troup, Hines, Holt, Jamison, Johnson of Clayton, Lamar, Lenoir, Lockhart, Lott, Maddox, McDuffie, McGehee, McLeod, McRea, Paine, Poole, Printup, Pruitt, Reid of Morgan, Roberts, Rushin, Sawyer, Shelton, Smith of Hancock, Summerour, Sweat, Tracy, Ward, Whitworth, Williams of Berrien.

Those who voted in the negative were Messrs.

Barclay, Bond, Carter of Echols, Carter of Elbert, Cloud, Collier, Cone, Cowen, Denham, Gattrell, Green, Grice, Griffin of Twiggs, Hall, Hart, Hightower, Hill of Wilkes, Hitchcock, Hood, Hutchins, Hyde, Ivey, Jones, Lawton, Merrill, Moore of Whitfield, Morris, Oliver, Reid of Taliaferro, Riley, Ritch, Shellnut, Sheppard, Smith of

Talbot, Snell, Stowers, Tatum, Usry, Williams of Rabun, Wilson, Wynne, Young.

So the bill was passed.

The following Message was received from His Excellency, the Governor, by Mr. Waters, his Secretary, to-wit:

Mr. President: I am directed by the Governor to return to to the Senate, in which it originated,

The bill to be entitled an act to incorporate the Georgia Insurance Company, accompanied with a communication in writing in relation thereto.

Mr. Harris of Dougherty, from the committee on enrolment, reported as duly enrolled, and signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate :

An act to amend an act entitled an act to incorporate the Yahoola River and Cane Creek Hydraulic and Hose Mining Company; assented to December 11th, 1858.

Mr. Collier moved to take up the resolution relative to extending the session of the General Assembly, which was agreed to.

On motion of Mr. Printup, the same was laid on the table for the present.

On motion of Mr Holt, the Senate took up the following resolutions of the House of Representatives :

Resolved, That the Speaker do appoint a committee of three to confer with a like committee from the Senate to consult as to the propriety of extending the present session.

Mr. Collier moved to amend the above resolution by adding the following words: "and that the committee appointed under this resolution do report at 9 o'clock to-morrow morning, which was agreed to.

The resolution as amended was concurred in.

Under the foregoing resolution the President appointed Messrs. Johnson of Clayton, Holt and Collier, as said committee on the part of the Senate.

Mr. Paine from the committee on enrollment, reported as duly enrolled, signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate,

An act to repeal an act to authorize the Georgia Rail Road and Banking Company, to build a branch Road to the town of Eatonton, in Putnam county, and to increase the capital stock of said Company; assented to December 11th, 1858.

On motion of Mr. Seward the Senate took up as the report of the committee of the whole,

A bill to be entitled an act to incorporate the Georgia Insurance Company.

Upon the question "shall this bill now pass, by a constitutional majority over the veto of his Excellency the Governor," the yeas and nays were recorded, and were yeas 37, nays 63.

Those who voted in the affirmative were Messrs :

Alexander, Billups, Boggs, Bond, Carter of Echols, Carter of Elbert, Chester, Cloud, Crittenden, Gartrell, Griffin of Brooks, Hill of Sumter, Hill of Troup, Hines, Holt, Johnson of Clayton, Kirby, Lawton, Maples, McDuffie, McLeod, McRea, Paine, Printup, Reid of Taliaferro, Riley, Ritch, Seward, Sheppard, Sirman, Smith of Hancock, Stowers, Tarver, Trippe, Ward, Whitehurst, Wynne.

Those who voted in the negative were Messrs.

Allred, Barclay, Batts, Byars, Collier, Cooper, Cook, Cone, Cowen, DeLapierre, Denham, Donaldson, Fulton, Glover, Green, Grice, Griffin of Twiggs, Hacket, Hall, Hart, Harris of Dougherty, Harris of Worth, Head, Hightower, Hill of Wilkes, Hitchcock, Hood, Hutchins, Hyde, Ivey, Johnson of Cass, Jones, Jordan, King, Lockhart, Lott, Maddox, Merrill, McGehee, Moore of Whitfield, Morris, Oliver, Pruitt, Robinson, Roberts, Rushin, Sawyer, Shelton, Shellnut, Smith of Talbot, Snell, Sweat, Turner, Tracy, Usry, Wallace, Wellborn, White, Whitworth, Williams of Berrien, Williams of Rabun, Wilson, Young.

So the bill was lost.

The Senate took up as the report of the committee of the Whole,

A bill to be entitled an act to incorporate the Stewart volunteers, and to extend to them certain privileges.

Mr. Hill of Sumter, moved to amend the report by extending the provisions of this act to the Sumter Light Guards, which was agreed to.

Mr. Johnson of Clayton moved further to extend the provisions of this act so as to include the Clayton Volunteers, in the town of Jonesboro, in the county of Clayton, which was agreed to.

Mr. Moore of Whitfield moved further to amend the report by extending the provisions of this act to the Dalton Guards, which was agreed to.

Mr. Pruitt moved further to amend the report by extending the provisions of this act to the Banks county Guards, which was agreed to.

Mr. Hacket moved further to amend the report by extending the provisions of this act to the White Oak Mountain Rangers, which was agreed to.

Mr. Barclay moved further to amend the report by extending the provisions of this act to the Union Invincibles, which was agreed.

Mr. Riley moved further to amend the report by extending the provisions of this act to the Dahlonga Blues, of Lumpkin county, which was agreed to.

Mr. Morris moved further to amend the report by extending the provisions of this act to the Franklin county mounted volunteer Cavalry, which was agreed to.

Mr. Tarver moved further to amend the report by extending the provisions of this act to the Jefferson Blues, which was agreed to.

Mr. Wallace moved further to amend the report by extending the provisions of this act to the Butler Guards, which was agreed to.

Mr. Lockhart moved further to amend the report by adding the following as an additional section.

And be it further enacted, That all the rights, privileges and exemptions, conferred by this act upon the Stewart Volunteers, be and the same are hereby extended to all Volunteer Companies now organized, or which may hereafter be organized, in this State, which was agreed to.

The report as amended was agreed to, the bill was read the third time and passed.

The following communication in writing, from His Excellency the Governor, was taken up and read:

EXECUTIVE DEPARTMENT, }
MILLEDGEVILLE, Dec. 5th, 1859: }

To the Senate: I herewith return to the branch of the General Assembly in which it originated, the bill to be entitled an act to incorporate the Georgia Insurance Company, without my approval.

By this bill it is proposed to create an Insurance Company with very ample powers and privileges, without being made subject to some of the necessary restrictions and liabilities, usually prescribed to such corporations. The Company is to have a capital stock of two hundred and fifty thousand dollars, which may be increased to twice that amount. The incorporators are to pay, in cash, to the proper officer of the Company, five per centum on the amount of stock held by each, and to make and deliver to such officer, at the same time a note for the other ninety-five per cent. This being done, the Company may commence business.

The fifth section of the bill expressly declares that, "The cash paid in, and the said stock notes, constitute the capital of

said corporation, which is pledged and bound for the contracts and liabilities of said corporation ; but the private property of the corporators, or their successors, is held liable for the debts of said corporation, only to the extent of the amount due and unpaid on said stock notes ; *and in no event to extend beyond that sum.*" While the personal liability of the incorporators or stockholders, to pay the debts or liabilities of the Company, is thus limited, there is no provision in the proposed charter, limiting the amount in which the Company may incur those debts and liabilities, in taking risks. For ought contained in the bill, the Company, if organized under the proposed charter, might take risks to an amount many times exceeding that of the cash and stock notes paid in ; and but little sagacity is required to perceive how those insuring in the company, might suffer loss, for want of recourse against the private property of stockholders, beyond the amount secured by the stock notes, even though the Company should comply, in good faith, with all the requirements of its charter.

Suppose the Company were to take risks to the amount of a million dollars, (and this is not an unreasonable supposition, considering the almost boundless field opened to them in the charter, for subjects of insurance,) and some great calamity were to befall the Company, by way of losses, exceeding the amount of capital stock paid in, there would be no legal obligation whatever, resting upon the stockholders, to make up the deficiency to sufferers, after the payment, by stockholders, of the balance due on stock notes ; and this contingency might happen, even though those very stockholders may have received, from time to time, from the Company as dividends from net profits, a very large per cent. on the capital stock paid in.

I apprehend the truth of the proposition will not be controverted, that all corporations, whose principal business is to obtain and give credit, should either be restricted in the amount for which they may incur debts or liabilities, or, the private property of stockholders, according to the amount of stock owned by each, should be, at least ultimately, bound for payment of such debts and liabilities.

On a hasty examination of the charters of Insurance Companies, which have been granted by our Legislature within the last ten years, I do not find one among them that does not, in one form or another, come up to the principle laid down in the above proposition ; and the reasons for requiring all charters for such Companies to contain a similar clause are too apparent to admit of doubt. Why should we, in this instance, dispense with so necessary and usual a safeguard against loss by the people ?

It may be said, and doubtless with truth, that this bill contains the names of a large number of the most wealthy,

enterprising and honorable merchants and citizens of Columbus, as incorporators, and that their private property, in the aggregate, is possibly worth several millions of dollars; admitting all this to be true, under the proposed charter, not one dollar's worth of that property could be made liable by law, for the payment of debts or liabilities against the Company, beyond what would be required to pay the amount due on the stock notes of each; and is it to be supposed that even those incorporators would, in any event, pay that which they were not by law bound to pay? I am opposed to this kind of confidence legislation without legal liability.

I cannot think the omission to embrace in this charter a clause, limiting the amount for which the Company might take risks, was the result of deliberation, but was rather, an unintentional omission; if the former, I cannot too strongly express my dissent from such a policy, if the latter, it is only to be regretted.

There is another respect in which the proposed charter is objectionable. There is no provisions in the bill, limiting the duration in which the franchises are to be enjoyed; nor any, reserving to the Legislature the right to alter or repeal the charter, when in their opinion, the public good might require it.

(Signed,)

JOSEPH E. BROWN.

The Senate took up, as the report of the committee of the whole,

A bill, to be entitled an act to explain the several acts of this State, so far as to prevent the Judges of the Superior Courts from calling the dockets thereof and from alternating in the trial of certain causes therein mentioned, so as to expedite the business of said Courts.

The report was disagreed to, and the bill was lost.

The Senate took up, as the report of the committee of the whole,

A bill, to be entitled an act to make valid certain sales of real estate, heretofore made by Executors, Administrators and Guardians of this State,

The report was disagreed to, and the bill was lost.

The Senate took up, as the report of the Committee of the Whole,

A bill, to be entitled an act to define and punish vagrancy in free persons of color.

The committee on the Judiciary, to whom this bill was referred, offered the following as a substitute, in lieu of the the original bill, to wit:

A bill, to be entitled an act to define and punish vagrancy in free persons of color; which was adopted.

The report as amended was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the Committee of the Whole :

A bill, to be entitled an act to create a new Judicial Circuit, to be called the Atlanta Circuit, and for other purposes.

Mr. Collier offered the following as a substitute, in lieu of the original bill, to wit :

A bill, to be entitled an act to change the name of the Coweta Circuit to that of the Atlanta Circuit, and to add the counties of Campbell and Henry to said Circuit, and for other purposes.

On motion of Mr Holt the same was postponed indefinitely.

The Senate took up as the report of the Committee of the whole :

A bill, to be entitled an act to exempt Physicians from Jury duty.

The report was agreed to, the bill was read the third time and lost.

The following Message was received from the House of Representatives, by Mr. Diamond, their Clerk :

Mr. President : The House of Representatives have passed the following bills, viz :

A bill, to make the election of Tax Collector and Receiver bi-annual instead of annual.

A bill to prevent the peddling of spirituous liquors in certain counties therein named.

A bill, for the relief of Florence C. Winn, a minor of Liberty county.

A bill, for the relief of D. M. and G. W. Smith, and their securities from a certain bond.

A bill, to provide for the call of a Convention for the purpose of changing the Constitution, with a view of reducing the number of the members of the General Assembly.

The House of Representatives have concurred in the amendments of the Senate to the following bills :

A bill, to incorporate the town of Hawkinsville, in the county of Pulaski.

They have also passed the following bill of the Senate, with an amendment, in which they ask the concurrence of this branch of the General Assembly :

A bill, to fix the time of holding the Superior Courts in

the counties of Heard, Carroll, Campbell, Paulding and Floyd, and to change the time of holding the Inferior Courts in the county of Heard, and to add the county of Paulding to the Tallapoosa Circuit.

The Senate took up, as the report of the Committee of the Whole,

A bill to be entitled an act to amend an act in reference to granting divorces, approved December 5th, 1856.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole,

A bill to be entitled an act to allow the Attorney General and Solicitors General, a fee in cases of Peace Warrants.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole,

A bill to be entitled an act to amend an act entitled an act to carry into effect the sixth article of the Constitution providing for the distribution of intestates estates, and for other purposes therein mentioned, so as to extend to and embrace the child or children of intestates nephews and nices.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole,

A bill to be entitled an act to provide for the election of Judges of the Superior Courts, Solicitor General and Attorney General, by the General Assembly.

On motion the same was postponed indefinitely.

The Senate took up as the report of the committee of the Whole,

A bill to be entitled an act to give to Justice Courts jurisdiction in actions sounding in damages under certain restrictions, and for other purposes.

The committee on the Judiciary to whom this bill was referred, reported against its passage.

The report was agreed to, and the bill was lost.

The Senate took up as the report of the committee of the Whole,

A bill to be entitled an act to abolish the Senatus Academicus, to give its powers to the Board of Trustees of the University of Georgia, and to vest the government of said University in said Board of Trustees.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole,

A bill to be entitled an act to authorize the Governor of this State, to grant certain privileges to the Dalton and Jacksonville Railroad Company.

Mr Moore of Whitfield, moved to amend the report by striking out the word "Jacksonville," wherever it occurs in the caption and bill, and insert in lieu thereof the word "Gadsden," which was agreed to.

The report as amended was agreed to, the Bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole,

A bill to be entitled an act to give liens to Stone Cutters and Marble Companies.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole,

A bill to be entitled an act to alter and extend the provisions of an act entitled an act to exempt from levy and sale under execution certain property therein mentioned, assented to December 11th, 1841, and to repeal a portion of said act.

On motion the same was laid on the table for the present.

The Senate took up the report as the committee of the Whole,

A bill to be entitled an act to amend an act entitled an act, to prescribe the manner in which names of persons may be changed and persons born illegitimate made legitimate, and to carry into effect the provisions of the Constitution upon may be adopted, approved March 6th, 1856, so that as to extend subject, and also to prescribe the manner in which children the provisions of the same to grown persons as well as children.

Mr. Seward, moved to amend the report by adding the following as an additional section :

And be it further enacted, By the authority of the aforesaid that in all cases which have heretofore existed or which may hereafter exist in which the father has abandoned his wife and child or children in a destitute condition, the consent of the Mother on by shall be deemed necessary to the adoption of such child or children, and any child which has or may be adopted under such circumstances with the consent of the Mother, shall be held and considered as legal and binding as if the father of such child or children had consented thereto, which was agreed to.

The report as amended was agreed to. The Bill was read the third time and passed.

The following message was received from the House of Representatives by Mr. Diamond, their clerk :

Mr. President: The House of Representatives have passed the following bill :

A bill to declare the law in regard to deeds to land made during adverse possession.

The Senate took up as the report of the committee of the Whole,

A bill to be entitled an act to repeal an act entitled an act to abolish imprisonment for debt on certain conditions, and for other purposes therein set forth, approved December 11th 1858.

On motion the same was laid on the table for the present,

The Senate took up as the report of the committee of the Whole,

A bill to be entitled an act to regulate the issuing of marriage license in this State, and for other purposes.

Mr. Allred, moved to postpone the same indefinitely, upon which,

Mr. Hill of Troup, required the yeas and nays, which being recorded,

Were yeas 53, nays 54.

Those who voted in the affirmative are Messrs :

Allred, Barclay, Bond, Briscoe, Burnett, Byars, Carter of Echols, Collier, Cone, Cowen, Donaldson, Fulton, Glover, Green, Grice, Griffin of Brooks, Griffin of Twiggs, Hackett, Hall, Hightower, Hill of Sumter, Hill of Wilkes, Hitchcock, Hyde, Jamison, Johnson of Cleyton, Jones, Lawton, Lott, Maddox, Oliver, Poole, Ritch, Robinson, Rushin, Sawyer, Seward, Shelton, Shellnut, Stowers, Summerour, Sweat, Tatum, Turner, Tracy, Trippe, Usry, Wellborn, Whitehurst, Whitworth, Williams of Berrien, Williams of Rabun, Young.

Those who voted in the negative are Messrs :

Alexander, Atkinson, Bartlett, Batts, Billups, Boggs, Brown, Cannon, Carter of Elbert, Chester, Cloud, Cooper, Cook, Crittenden, Delaperriere, Denham, Evans, Flewellen, Gartrell, Hart, Harvin, Head, Hill of Troup, Hines, Holt, Hood, Hutchins, Jordan, Kirby, Lenoir, Lockhart, Maples, Merrill, McDuffie, McGhee, McLeod, Moore of Whitfield, Morris, Printup, Pruitt, Reid of Morgan, Reid of Taliaferro, Riley, Roberts, Sheppard, Sirman, Smith of Hancock, Smith of Talbot, Snell, Tarver, Ward, White, Wilson, Wynne.

So the motion to postpone indefinitely did not prevail.

Mr. Hyde, moved to amend the report by striking out the words "five hundred" and inserting the words "fifty dollars."

Upon agreeing to which the yeas and nays were recorded and,

Were yeas 42, nays 61.

Those who voted in the affirmative are Messrs :

Allred, Barclay, Briscoe, Burnett, Carter of Echols, Cone, Cowen, Donaldson, Fulton, Glover, Green, Grice, Griffin of Brooks, Griffin of Twiggs, Hackett, Hightower, Hill of Sumter, Hyde, Ivey, Jamison, Johnson of Clayton, Jones, Lott, Maddox, Poole, Robinson, Roberts, Rushin, Sawyer, Seward, Shelton, Shellnut, Sirman, Summerour, Sweat, Tatum, Turner, Tracy, Trippe, Usry, Whitworth, Williams of Berrien, Williams of Rabun, Young.

Those who voted in the negative are Messrs.

Alexander, Atkinson, Bartlett, Batts, Billups, Boggs, Brown, Cannon, Carter of Elbert, Chester, Cloud, Collier Cooper, Cook, Crittenden, Delaperriere, Denham, Evans, Flewellen, Gartrell, Hart, Harvin, Head, Hill of Troup, Hill of Wilkes, Hines, Hitchcock, Holt, Hood, Hutchins, Johnson of Cass, Jordan, Kirby, Lawton, Lenoir, Lockhart, Maples, Merrill, McDuffie McGehee McLeod Moore of Whitfield, Morris, Oliver, Printup, Pruitt, Reid of Morgan, Reid of Taliaferro, Riley, Ritch, Sheppard, Smith of Hancock, Smith of Talbot, Snell, Tarver, Ward, Wellborn, Wilson, Wynne.

So the motion did not prevail.

Pending the consideration of which the hour of adjournment having arrived, the President adjourned the Senate until 3 o'clock P. M.

THREE O'CLOCK, P. M.

The Senate met according to adjournment.

The Senate resumed the consideration of the unfinished business of the morning, which was,

A bill to be entitled an act to regulate the issuing of marriage license in this State, and for other purposes therein named, with the amendments offered thereto.

Mr. Seward, moved that the bill with its amendments be postponed indefinitely.

Upon this motion Mr. Hill of Troup required the yeas and nays, which being recorded, were yeas 70, nays 46.

Those who voted in the affirmative were Messrs.

Allred, Barclay, Bond, Briscoe, Burnett, Byars, Cannon, Carter of Echols, Collier, Cone, Cowen, Davis, Delapierre, Donaldson, Fulton, Glover, Green, Grice, Griffin of Brooks, Griffin of Twiggs, Hackett, Hall, Hart, Harris of Dougherty, Harris of Worth, Harvin, Hightower, Hill of Sumter, Hill of Wilkes, Hitchcock, Hutchins, Hyde, Ivey, Jamison, Johnson of Clayton, Jones, King, Lamar, Lawton, Lockhart, Lott, Maddox, Oliver, Poole, Quillian, Ritch, Robinson, Roberts, Rushin, Sawyer, Seward, Shelton, Shellnut, Sirman, Snell, Stowers, Summerour, Sweat, Tatum, Turner, Tracy, Trippe, Usry, Wellborn, White, Whitehurst, Whitworth, Williams of Berrien, Williams of Rabun, Young.

Those who voted in the negative were Messrs :

Alexander, Atkinson, Barrow, Bartlett, Batts, Billups, Boggs, Brown, Carter of Elbert, Chester, Cloud, Cooper, Cook, Crittenden, Denham, Evans, Flewellen, Gartrell, Head, Hill of Troup, Hines, Holt, Hood, Jordan, Lenoir, Maples, Merrill, McDuffie, McGehee, McLeod, Moore of Whitfield, Morris, Paine, Printup, Pruitt, Reid of Morgan, Reid of Taliaferro, Riley, Sheppard, Smith of Hancock, Smith of Talbot, Tarver, Ward, Williams of Terrell, Wilson, Wynne.

So the motion to postpone indefinitely prevailed.

The following message was received from his Excellency the Governor, by Mr. Campbell, his Secretary, to-wit :

Mr. President : The Governor has signed the following bills, to wit :

A bill to alter and amend the act incorporating the town of Lincolnton, and the several acts amendatory thereof, to confer additional powers upon the commissioners in relation to raising revenue, the preservation of good order, the regulation of license for vending spirituous liquors, prescribing the qualification of voters, and for other purposes.

Also, a bill to incorporate the trustees of the Presbyterian Church, in the town of Perry, Houston county, and to incorporate Americus Lodge, No. 13, of Free and Accepted Masons, of the city of Americus, Sumter county, Georgia.

On motion of Mr. Kirby, the rules were suspended, and the Senate took up the following bill of the House of

Representatives, which was read the second time, and referred to the committee of the whole :

A bill to be entitled an act to pardon Thomas C. Whitworth, of the county of Chattooga, now under sentence of death for the crime of murder.

On motion the same was made the special order for Thursday next.

The Senate took up, as the report of the Committee of the Whole,

A bill to be entitled an act for the distribution of the estate of Coleman S. Pringle, late of Pike county, deceased, and for the relief of the executors to the last will of said testator.

The report was agreed to, the bill was read the third time, and passed.

Mr. Smith of Talbot moved to suspend the rules for the purpose of offering a resolution. which was agreed to.

Mr. Smith of Talbot offered the following resolution, which was taken up and read.

Whereas, The Senate and House of Representatives at the present Session, have passed a bill for the pardon of Wm. A. Choice, under sentence of death for the crime of murder, in the county of Fulton.

And Whereas, The said Wm. A. Choice, desires to plead the bill so passed as aforesaid, in the proper court, in his behalf. Therefore, be it

Ordered, by the General Assembly, and it is hereby ordered, by the authority of the same, That the bill so passed as aforesaid, be placed of file in the office of Secretary of State, and that the Secretary of State do, on the application of any person, prepare a copy of said bill, so passed as aforesaid, duly certified under his seal of office, and deliver such copy and certificate to any person applying for the same.

Mr. Collier moved to amend the resolution, by adding the following thereto :

And that the Secretary of State be directed to attach a certified copy of the Governor's veto message to said bill, which was lost.

The resolution was then agreed to.

On motion of Mr. Pruitt, the Senate took up as the report of the committee of the whole, the following bill of the House of Representatives :

A bill to be entitled an act to authorize the Inferior Court of Banks county to submit the question of the location of their county site to the citizens of said county, and to have an election held therefor, and for other purposes.

On motion of Mr. Pruitt, the same was indefinitely postponed.

The Senate took up as the report of the Committee of the Whole.

A bill to be entitled an act to submit the question of the removal of the Court House, of the county of Clinch to the voters thereof.

Mr. Simman moved to amend the report by adding after the word "January" the following words, "or at any other time, upon the Inferior Courts giving thirty days notice thereof," which was agreed to.

The report as amended was agreed to, the bill was read the third time and passed.

On motion of Mr. Cone the rules were suspended, and the Senate took up the following bill of the Senate, which had been amended by the House of Representatives, to-wit :

A bill to be entitled an act to change and fix the times of holding the Superior Courts in the counties of Heard, Carroll, Campbell, Paulding, and Floyd, and for other purposes.

On motion the amendment was concurred in.

The rules being suspended, the Senate took up as the report of the committee of the whole, the following bill of the House of Representatives :

A bill to be entitled an act to alter the time of holding the Superior Courts of the county of Effingham, and for other purposes.

The report was agreed to. The Bill was read the third time and passed.

The Senate took up as the report of the Committee of the Whole, the following bill of the House of Representatives :

A bill to be entitled an act to alter and change the time of holding the Superior and Inferior Courts for the county of Walker, and the Superior Courts in the county of Dade.

The report was agreed to, the bill was read the third time and passed.

Leave of absence was granted Mr. Mattox, for the balance of the Session, on account of indisposition.

Leave of absence was granted Mr. Trippe, on account of the illness of his father.

Leave of absence was granted Mr. Johnson of Cass on to-morrow.

Mr. Tracy moved that when the Senate adjourn, it adjourn to meet at 9 o'clock to-morrow morning, which was agreed to.

The Senate took up as the report of the Committee of the whole,

A bill to be entitled an act to provide for the election of county Treasurer, in the county of Berrien.

Mr. Jones moved to amend the report by extending the provisions of this bill to the county of Newton, which was agreed to.

Mr. Lamar moved further to amend the report by including the county of Baker, which was agreed to.

Mr. Hyde moved further to amend the report by including the county of Fannin, which was agreed to.

Mr. Poole moved further to amend the report by extending the provisions of this act to the county of Hall, also to the counties of Ware, Mitchell, Marion, Paulding, Johnson, Forsyth, and Lumpkin, which was agreed to.

The report as amended was agreed to, the bill was read the third time and passed.

The hour of adjournment having arrived, the President adjourned the Senate until 9 o'clock to-morrow morning.

WEDNESDAY, DECEMBER 7th, 1859.

9 O'CLOCK, A. M.

Senate met according to adjournment.

Mr. Holt moved to reconsider so much of the Journal of yesterday, as relates to the vote by which,

A bill to be entitled an act to incorporate the Georgia Insurance company, was lost.

Mr. Jones called for the previous question, which being seconded, the main question was ordered to be put, and upon the question, "shall this bill be reconsidered?"

Mr. Jones required the yeas and nays, which being recorded, were yeas 38, nays 58.

Those who voted in the affirmative, were Messrs.

Bartlett, Billups, Boggs, Brown, Burnett, Chester, Cloud, Cook, Evans, Flewellen, Gartrell, Hill of Sumter, Hill of Troup, Holt, Hood, Johnson of Clayton, Kirby, Lawton, Lenoir, McDuffie, McGehee, McLeod, McRae, Paine, Poole, Printup, Quillian, Reid of Taliaferro, Riley, Robinson, Roberts, Seward, Sheppard, Smith of Hancock, Tarver, Ward, Wells, Whitehurst,

Those who voted in the negative, were Messrs.

Allred, Barclay, Barrow, Batts, Briscoe, Byars, Carter of Elbert, Carter of Echols, Collier, Cooper, Cone, Cowen, Davis,

DeLaperriere, Denham, Donaldson, Fulton, Glover, Green, Grice, Griffin of Brooks, Griffin of Twiggs, Hall, Hart, Harris of Dougherty, Harris of Worth, Harvin, Head, Hightower, Hill of Wilkes, Hitchcock, Hutchins, Hyde, Ivey, Jamison, Jones, King, Lamar, Lockhart, Lott, Maddox, Maples, Merrill, Moore of Whitfield, Morris, Oliver, Pruitt, Reid of Morgan, Ritch, Rushin, Sawyer, Shelton, Shellnut, Sirman, Smith of Talbot, Snell, Stowers, Sweat, Tatum, Turner, Usry, Wallace, White, Whitworth, Williams of Berrien, Williams of Robun, Wilson, Young.

So the motion to reconsider did not prevail.

The following message was received from His Excellency the Governor, by Mr. Campbell, his Secretary, to wit :

Mr. President : I am directed by the Governor, to return to this branch of the General Assembly in which it originated a bill entitled an act to incorporate the Thomasville Manufacturing, Agricultural, and Commercial Association, accompanied by a communication in writing.

The following Message was received from the House of Representatives by Mr. Diamond, their Clerk :

Mr. President : The House of Representatives have passed the following bill, viz :

A bill to add another section to the seventh division of the Penal Code of this State.

And they have also agreed to a resolution referring the abolition of the Supreme Court, to the Convention of the people of Georgia, to meet in Milledgeville in 1860.

Mr. Jordan moved to reconsider so much of the Journal of yesterday as relates to the vote by which,

A bill to be entitled an act to make valid certain sales of real estate heretofore made by Executors, Administrators and Guardians of this State, was lost, which was agreed to.

Mr. Morris moved to reconsider, so much of the Journal of yesterday, as relates to the vote by which,

A bill to be entitled an act to regulate the issuing of marriage license, and for other purposes, was lost.

Upon agreeing to which motion the yeas and nays were recorded, and were yeas 45, nays 65.

Those who voted in the affirmative, were Messrs.

Alexander, Bartlett, Billups, Roggs, Bond, Brown, Carter,

of Elbert, Chester, Cloud, Cooper, Denham, Flewellen, Gartrell, Head, Hill of Troup, Holt, Hood, Ivey, Jordan Lenoir, Lockhart, Merrill, McDuffie, McGehee, McLeod, Moore, of Whitfield, Morris, Paine, Printup, Reid of Morgan, Reid of Taliaferro, Riley, Roberts, Shelton, Sheppard, Smith of Hancock, Smith of Talbot, Tarver, Ward, Webber, Wells, White, Williams of Terrell, Wilson, Wynne.

Those who voted in the negative, were Messrs.

Allred, Barelay, Batts, Briscoe, Burnett, Byars, Cannon, Carter of Echols, Collier, Cook, Cone, Cowen, Davis, DeLaperriere, Donaldson, Evans, Fulton, Glover, Grice, Griffin of Brooks, Griffin of Twiggs, Hackett, Hall, Hart, Harris of Dougherty, Harris of Worth, Harvin, Hightower, Hill of Sumter, Hill of Wilkes, Hitchcock, Hutchins, Hyde, Jamison, Johnson of Clayton, Jones, King, Kirby, Lamar, Lott, Maddox, Matthews, Oliver, Poole, Quinn, Ritch, Robinson, Rushin, Sawyer, Seward, Shellnut, Sirman, Snell, Summerour, Sweat, Tatum, Turner, Tracy, Tury, Whitehurst, Whitworth, Williams of Berrien, Williams of Rabun, Young.

So the motion to reconsider did not prevail,

Mr. Harris of Dougherty, from the committee on enrollment, reported as duly enrolled, signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate,

An act to incorporate the Etowah, and Auraria Hydraulic Hose Mining company, and also the Cedar Creek Lumber Drifting Association.

The Joint Committee of the Senate and House of Representatives, to whom was referred the question of the practicability, and propriety of an adjournment of the present Session of the Legislature, at the expiration of the Constitutional term, which will be on Saturday next, unless prolonged by a two third vote, beg leave to report the condition of business, as follows :

HOUSE BILLS.

- 5 Reconsidered bills,
- 102 Bills read 2d time,
- 12 or 15 Bills read 2nd time, and in the hands of Committees.
- 24 Bills read 1st time,
- 19 Resolutions not acted upon,

BILLS OF THE SENATE IN THE HOUSE.

- 42 Bills not read,
- 20 Bills read 2d time,
- 2 Bills read the first time,
- 13 Senate Resolutions not acted on,
- Appropriation bills read 2d time, .

RECAPITULATION.

- 143 House bills,
- 64 Senate bills,
- Total 207 bills.
- 32 Resolutions,

SENATE BILLS.

- 1 Senate bill read first time,
- 202 Senate bills read second time,
- 20 Senate bills in hands of Committees,
- 1 Bill amended by House,
- Total 224 bills.

BILLS OF HOUSE IN SENATE.

- .34 House bills read first time,
- 132 House bills read second time,
- 36 House bills not read,
- 3 House bills in hands of the Committee,
- Total 205 bills.

RECAPITULATION.

- 224 Senate bills,
- 205 House bills,
- Total 429 bills.

It will thus be seen that there are 636 bills to be acted upon exclusive of Resolutions, or say an average of 300 in each branch of the General Assembly. It must be palpable to every mind, that it is impossible to complete our work, or even make a decided impression on such a mass of material in four days, which is the end of our Constitutional term unless properly prolonged. It may be said, that there is a great deal of local and special Legislation, which ought to be disposed of any way, but ignored or postponed now it must be introduced hereafter, thus consuming the time of other Sessions, and retarding the legitimate Legislation of

the country. It may be also, said, that the unfinished business of this session, will be carried over to the next. This policy has not yet been decided on, and its Constitutionality is a gravely mooted question, and hence it may happen, that each bill not now acted on, may have to be read three times again in each House. There are a large number of bills in each House ready for action, and every consideration of justice, policy and propriety, requires that they should be acted on at the present session. And to that end, your committee recommend, that our present session be prolonged 'till Friday the 16th of this month, and hence submit a Resolution to that effect.

JAMES F. JOHNSON,
Chairman Senate Com.
WM. GIBSON,
Chairman House Com.

The Senate took up the following resolution, which was read.

Resolved, By the Senate and House of Representatives, that the present session of this General Assembly be prolonged until Friday the 16th, of this Month.

Mr. Collier offered the following as an amendment.

Resolved, By the the Senate and House of Representatives, that the present Session of the General Assembly be prolonged until Thursday the 15th instant, on which day the General Assembly, shall adjourn, which was agreed to.

Mr. Billups offered the following as a substitute.

Resolved, That the General Assembly will adjourn *sine die* at 12 o'clock, P. M., on Saturday 11th, inst.

Mr. Jones called for the previous question, which being seconded the main question was ordered to be put, which was on agreeing to the resolution as amended.

Upon the motion to receive the substitute in lieu of the original resolution as amended, the yeas and nays were recorded, and were yeas 46, nays 70.

Those who voted in the affirmative were Messrs :

Barrow, Bartlett, Billups, Bond, Carter of Echols, Cloud, Cook, Cowen, Denham, Donaldson, Fulton, Glover, Hart, Harvin, Head, Hightower, Hill of Wilkes, Hitchcock, Hatchins, Hyde, Ivey, Jamison, Jones, Lockhart, Lott, Mad-

Oliver, Poole, Reid of Morgan, Rushin, Shellnut, Sirman, Smith of Talbot, Stowers, Sweat, Tatum, Turner, White. Whitehurst, Whitworth, William of Berrien, Williams of Rabun; Williams of Terrell, Wilson, Wynne, Young.

Those who voted in the negative, were Messrs,

Alexander, Allred, Atkinson, Barclay, Batts, Boggs Briscoe, Brown, Burnett, Byars, Cannon, Carter of Elbert, Chester, Collier, Cooper, Cone, Crittenden, Davis, DeLaperriere, Evans, Flewellen, Gartrell, Green, Grice, Griffin of Brooks, Griffin of Twiggs, Hackett, Hall, Harris of Dougherty, Harris of Worth, Hill of Sumter, Hill of Troup, Holt, Hood, Johnson of Clayton, Jordan, King, Kirby La-Lawton, Lenoir, Maples, Merrill, McDuffie, McGehee, McLeod, McRae, Moore of Whitfield, Morris, Paine, Printup, Pruitt, Quillian, Reid of Taliaferro, Riley, Ritch, Robinson Roberts, Sawyer, Shelton, Sheppard, Smith of Hancock, Snell, Summerour, Tarver, Tracy, Usry, Wallace, Ward, Welborn, Wells.

So the substitute was lost.

Upon the question, "shall the resolution as amended be agreed to?"

The yeas and nays were recorded, and were yeas 78, nays 40.

Those who voted in the affirmative were Messrs.

Alexander, Atkinson, Barclay, Boggs, Briscoe, Brown, Burnett, Byars, Cannon, Carter of Echols, Carter of Elbert, Chester, Collier, Cooper, Cone, Crittenden, Davis, DeLaperriere, Evans, Flewellen, Gartrell, Green, Grice, Griffin of Brooks, Griffin of Twiggs, Hackett, Hall, Hart, Harris of Dougherty, Harris of Worth Hill of Sumter, Hill of Troup, Hill of Wilkes, Holt, Hood, Johnson of Clayton, Jordan, King, Kirby, Lamar, Lawton, Lenoir, Lockhart, Maples, Matthews, Merrill, McDuffie, McGehee, McLeod, McRae, Moore of Whitfield, Morris, Paine, Printup, Pruitt, Quillian, Reid of Taliaferro, Riley, Ritch, Robinson, Roberts, Sawyer, Seward, Shelton, Shellnut, Sheppard, Smith of Hancock, Snell, Stowers, Tarver, Tracy, Usry, Wallace, Ward, Wellborn, Wells, White, Whitworth.

Those who voted in the negative, were Messrs ,

Allred, Barrow, Bartlett, Batts, Billups, Bond, Cloud, Cook, Denham, Donaldson, Fulton, Glover, Harvin, Head, Hightower, Hitchcock, Hutchins, Hyde, Ivey, Jamison,

Jones, Lott, Maddox, Oliver, Poole, Reid of Morgan, Rushin, Sirman, Smith of Talbot, Summerour, Sweat, Tatam, Turner, Whitehurst, Williams of Berrien, Williams of Rabun, Williams of Terrell, Wilson, Wynne, Young.

So the resolution as amended was agreed to.

Mr. Paine from the committee on enrollment reports as duly enrolled and ready for the signature of the President of the Senate.

An act to change and fix the time of holding the Superior Courts in the counties of Heard, Carroll, Campbell, Paulding and Floyd, and to change the time of holding the Inferior Courts of the county of Heard, and to add the county of Paulding to the Tallapoosa Circuit.

Mr. Hall moved to suspend the rules for the purpose of offering a resolution, which was agreed to.

Mr. Hall, offered the following resolution, which was taken up, read and agreed to.

Resolved, By the Senate, that from and after the adoption of this resolution, no member of the Senate shall be allowed to speak more than five minute at one time on any question before the Senate, unless allowed by two thirds of the Senate.

On motion of Mr. Cone the following communication in writing, from his Excellency, the Governor, was taken up and read:

EXECUTIVE DEPARTMENT, }
Milledgeville, Ga., Dec. 7th, 1859. }

To the Senate:

I return without my approval,

A bill entitled an act to incorporate the Thomasville Manufacturing, Agricultural and Commercial Association, and for other purposes.

The bill proposes to authorize the corporators to purchase land and erect buildings for the purpose of carrying on the business of manufacturing and of carrying on and conducting a *general Mercantile and trading business*. It also authorizes the association to purchase and sell real estate and buildings of every description, and to contract debts, and enter into contracts *generally* in the construction of their business, and to purchase goods, wares and merchandise, and again at pleasure to sell and exchange the same whenever said company may think proper, "and to purchase lands for the purpose of erecting farm houses and build-

ings, and making improvements in agriculture at such places as said Association may think proper, and to sell and dispose of the same at pleasure, and that the association shall have like power, for the purpose of erecting buildings and machinery for sawing lumber and carrying on the general business of manufacturing," with power to "purchase slaves, and hold stock, horses, mules, wagons carts, and every kind of agricultural implements"

The bill also provides that so soon as \$15,000 of stock shall be subscribed, (and it does not require that a dollar is to be paid in,) the association shall be authorized to commence business. That the capital stock shall be one hundred thousand dollars, subject to be increased as the directors of said Association may think proper, without fixing any limit whatever. Here then, is an Association with a capital stock as large as they may choose to make it, authorized to commence business so soon as \$15,000 of stock shall have been subscribed, without being required to pay in, or have on hand, a single dollar in money; authorized to engage in speculating in lands, negroes, and almost every kind of live stock, and in buying and selling goods, wares and merchandize, to an unlimited extend; and in the sawing of lumber and the general business of agriculture and manufacturing without limit, with power to contract debts for hundreds of thousands of dollars. It cannot be denied that the bill confers upon the company very extraordinary privileges, probably no charter granted at any time by the Legislature of Georgia, has been more unlimited in the range of its powers. What guaranty is offered to the community that these powers will not be abused, and that the debts of the corporation will be paid? Not even the personal liability of a single stockholder for a single dollar.

There is no clause in the charter which makes the stockholders liable individually for a dollar of the debts of the company. The Association might, under this charter, enter into large speculations, and contract debts for large amounts, and while their credit as a company was good, make large dividends of profits among themselves, and whenever it should become the interest of the stockholders, whoever they might be, at any future time, they might cause the Association as a corporation to wind up insolvent; and while the stockholders might each be worth a large amount of money, the creditors of the company could not collect a dollar out of any one of them. This kind of legislation is contrary to every principle of natural justice, and in my judgment should not be encouraged.

If the corporators are permitted to receive the profits of the speculation, when they have purchased property from unsuspecting citizens, should not their individual property be held liable for the payment of the debts of the Company?

Is it right that they take all the benefits accruing from their corporate privileges, and when the association, as such, becomes insolvent, which it may do, while its affairs are directed by them, that they be individually exempt from all its burdens and free from the payment of its debts? I think not. It is no reply to say that the lands or other property of the corporation constitute part of its capital stock, as the company have the power to sell and dispose of them at pleasure, and would be under no obligation, should it fail in future to have in its possession any lands at the time of its failure.

It should not be forgotten that no limit is set to the duration of this charter, and that no right is reserved in the bill to the Legislature, to repeal, alter or modify it in future.

JOSEPH E. BROWN.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to point out and prescribe the manner of disposing of the net profits of the Western & Atlantic Rail Road.

On motion the same was postponed indefinitely.

The Senate took up as the report of the committee of the Whole,

A bill to be entitled an act to define and declare the duty of the Clerk of the Superior and Inferior Courts of this State, and to declare the force and effect and validity of certified copies from the files in said office.

The committee on the Judiciary to whom said bill was referred, reported against its passage.

The report was agreed to and the bill was lost.

Mr. Harris of Dougherty, from the committee on enrollment, reported as duly enrolled, signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate:

An act to incorporate the town of Hawkinsville, in the county of Pulaski, to appoint Commissioners for the same, and to confer certain powers upon said Commissioners. Also, to incorporate the town of Grooverville, in Brooks county, and for other purposes..

The Senate took up as the report of the Committee of the whole:

A bill to be entitled an act to repeal the fifth section of an act approved 22d day of December, 1857, entitled an act to amend an act passed 17th day of December, 1847, to authorize parties to compel discoveries at common law and for other purposes therein mentioned.

The report was disagreed to and the bill was lost.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to incorporate the Steam and Pole Boat Navigation Company, on the Savannah River above Augusta.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole,

A bill to be entitled an act to amend the several acts now of force prescribing the mode of electing the municipal officers of the city of Augusta, and the members of the City Council, so as to make their election by general ticket, except as therein excepted, to abolish the office of Recorder, and to repeal the registry laws and for other purposes.

Mr. Paine moved that the same be laid on the table for the present.

Upon agreeing to which motion Mr. Paine required the yeas and nays, which being recorded, were yeas 9, nays 93.

Those who voted in the affirmative were Messrs :

Allred, Bartlett, Billups, Carter of Echols, Cooper, Delaperriere, Hill of Sumter, Jamison, Lawton, Paine.

Those who voted in the negative were Messrs.

Alexander, Atkinson, Barrow, Bats, Boggs Bond, Briscoe, Brown, Burnett, Byars, Chester, Cloud Collier, Cook, Cone, Cowen, Crittenden, Davis, Denham, Evans, Flewellen, Fulton, Gartrell, Glover,, Green, Grice, Griffin of Brooks, Griffin of Twiggs, Hackett, Hall, Hart, Harris of Dougherty, Harris of Worth, Harvin, Head, Hightower, Hill of Wilkes, Hitchcock, Hood, Hutchins, Hyde, Ivey, Johnson of Clayton, Jones, Jordon, Kirby, Lamar, Lenoir, Lockhart, Lott, Maddox, Maples, Matthews, Merrill, McDuffle, McGehee, McLeod, McRea, Moore of Whitfield, Morris, Oliver, Poole, Printup, Pruitt, Reid of Morgan, Riley, Robinson, Roberts, Rushin, Sawyer, Seward, Shelton, Shellnut, Sirman, Smith of Hancock, Snell, Stowers, Sweat, Tarver, Tatum, Turner, Tracy, Wallace, Wellborn, Wells, White, Whitehurst, Whitworth, Williams of Berrien, Williams of Rabun, Williams of Terrell, Wilson, Wynne, Young.

So the motion to lay on the table for the present did not prevail.

On motion of Mr. Harris of Worth, the same was made the special order for Saturday next.

The Senate took up, as the report of the Committee of the Whole,

A bill to be entitled an act to define the words "elementary branches" in the act entitled an act to provide for the education of the children of this State between certain ages, and for other purposes.

On motion the same was laid on the table for the balance of the session.

The Senate took up as the report of the committee of the Whole,

The following bill of the House of Representatives:

A bill to be entitled an act for the relief of the estate of Robert Bradford, deceased, and Samuel Moffatt and Robert H. Bradford, Executors of the same.

The report was agreed to, the bill was read the third time, and passed.

The Senate took up, as the report of the Committee of the Whole,

A bill to be entitled an act to increase the pay of witnesses in civil and criminal cases.

Mr. Seward moved to amend the report by adding the following words to the 1st section "except witnesses in Justices Courts," which was agreed to.

Mr. Cook moved further to amend the report by adding the following proviso:

Provided, That no witness shall be entitled to the provisions of this act when any case has been continued in consequence of his absence, which was agreed to.

On motion of Mr. Morris, the bill and the amendments offered thereto was postponed indefinitely.

Mr. Paine, from the committee on enrollment, reported as duly enrolled, signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate:

An act to alter the time of holding the Superior Courts of the county of Effingham, and for other purposes therein mentioned.

Also, an act to alter and change the time of holding the Superior and Inferior Courts for the county of Walker, and the Superior Courts for the county of Dade.

The Senate took up as the report of the committee of the Whole,

A bill to be entitled an act to authorize the county of Thomas to aid in the construction of the South Florida and Georgia Rail Road.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole,

A bill to be entitled an act to incorporate the enterprize Rail Road Company.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole,

A bill to be entitled an act to provide a mode by which Ordinaries may compel the more speedy distribution and settlement of estates in the hands of Executors, administrators and Guardians.

The committee on the Judiciary to whom this bill was referred reported against its passage.

Pending the consideration of which the hour of adjournment having arrived, the President adjourned the Senate until 3 o'clock, P M.

3 O'CLOCK, P. M.

The Senate met, according to adjournment.

The Senate resumed the consideration of the unfinished business of the morning, which was,

A bill, to be entitled an act to provide a mode by which Ordinaries may compel the more speedy distribution and settlement of estates in the hands of Executors, Administrators and Guardians.

On the motion to suspend the rule, prohibiting a Senator from speaking longer than five minutes on any subject, the yeas and nays were recorded, and were, yeas 57 nays 41.

Those who voted in the affirmative, were Messrs.

Allred, Barclay, Billups, Briscoe, Brown, Cannon, Chester, Cooper, Cook, Cone, Cowen, Crittenden, Davis, Denham, Evans, Flewellen, Fulton, Gartrell, Green, Griffin, of Brooks, Hall, Harris of Dougherty, Hill, of Troup, Hill, of Wilkes, Holt, Hutchins, Hyde, Ivey Jamison, Johnson of Clayton, Kirby, Lamar, Lawton, Lockhart, Matthews, McGehee, Moore, of Whitfield, Oliver, Paine, Poole, Printup, Quillian, Reid, of Morgan, Riley, Ritch, Seward. Shellnut, Sheppard, Smith, of Talbot, Tarver, Wallace, Ward, White, Whitworth, Williams, of Berrien, Williams, of Terrell, Wilson.

Those who voted in the negative, were Messrs.

Alexander, Barrow, Batts, Bond, Burnett, Carter, of Echols, Carter, of Elbert, Delapierre, Donaldson, Glover, Grice, Griffin, of Twiggs, Hart, Harris, of Worth, Harvin, Head, Hightower, Hitchcock, Jones, Lenoir, Lott, Maddox, Ma-

ples, McDuffie, McLeod, Pruitt, Rushin, Smith, of Hancock, Snell, Stowers, Summerour, Sweat, Tatum, Turner, Usry, Wellborn, Wells, Whitehurst, Williams, of Rabun, Wynne, Young.

So the motion to suspend the rules did not prevail.

The Senate took up as the report of the Committee of the Whole,

A bill, to be entitled an act to regulate the sale and use of spirituous liquors and intoxicating drinks within the corporate limits of the town of Elberton.

The report was agreed to, the bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole,

A bill, to be entitled an act to amend an act entitled an act for the education of the children of this State, &c.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the Committee of Whole,

A bill, to be entitled an act for the relief of the heirs and representatives of Luke Padget.

The report was agreed to the bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole,

A bill, to be entitled an act to legalize the purchase of a tract of land, made by Mrs. Clementina J. Billingslea, Administratrix of James F. Billingslea, deceased, of the county of Greene.

The report was agreed to the bill was read the third time and passed.

The Senate took up, as the report of the Committee of the the Whole,

A bill, to be entitled an act to incorporate Furlow Female College, in the city of Americus, and to incorporate Trustees for the same.

The report was agreed to, the bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole,

A bill, to be entitled an act to lay out and organize a new county, from the county of Decatur.

On motion, the same was laid on the table for the present.

The Senate took up, as the report of the Committee of the Whole,

A bill, to be entitled an act to provide a mode by which

Ordinaries may compel the more speedy distribution and settlement of estates in the hands of Executors, Administrators and Guardians.

On motion ~~the~~ same was laid on the table for the present.

The Senate took up as the report of the Committee of the Whole,

A bill, to be entitled an act to lay out and organize a new county out of the counties of Carroll and Campbell.

On motion, the same was laid on the table for the present.

The Senate took up as the report of the Committee of the Whole,

A bill, to be entitled an act to authorize the Justices of the Inferior Court of Lumpkin county, to levy a direct tax to repair the Court House, and for other purposes.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the Committee of the Whole,

A bill, to be entitled an act to change the line between the counties of Worth and Colquitt.

The report was agreed to, the Bill was read the third time and passed.

The Senate took up as the report of the Committee of the Whole,

A bill, to be entitled an act to authorize the Ordinary of Whitfield county to pay teachers of poor children for the year 1859.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill, to be entitled an act to authorize James Boyd, late Tax Collector of Telfair county, to make titles to lands sold by him as Tax Collector.

The report was agreed to, the bill was read the third time and lost.

The Senate took up, as the report of the committee of the whole,

A bill, to be entitled an act for the purpose of attaching a strip of unsurveyed land lying between the fourth and sixth Districts of originally Early county, to the county of Early, and for other purposes therein contained.

The report was agreed to, the bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole,

A bill, to be entitled an act to compensate the Grand Jurors of the county of Early, and for other purposes.

On motion, the same was laid on the table for the balance of the session.

The Senate took up, as the report of the committee of the whole,

A bill, to be entitled an act to change the line of the counties of Wayne and Charlton, and for other purposes.

Mr. Crittenden moved to amend the report, by adding the following as an additional section :

Be it also enacted by the authority of the same, that the county line between the counties of Sumter and Schley be so altered as to include the north half of lot of land number ten, in the twenty-seventh District of Sumter county in the county of Schley, it being the residence of George Dykes ; also, that said line be so changed as to include lot of land number two hundred and fifty-four, in the twenty-ninth District of Schley county, in the county of Sumter. it being the lot of land whereon the residence of Austin Congreton is situated; which was agreed to.

Mr. Seward moved further to amend the report by adding the following as an additional section :

And be it further enacted, That the line dividing the counties of Colquitt and Thomas shall be so changed as to include Thomas White, and the lot of land where he resides, in the county of Thomas ; which was agreed to.

Mr. Hill, of Sumter moved further to amend the report, by adding the following as an additional section :

Be it also enacted, That the line between the counties of Lee and Sumter be so changed as to include lot of land number fifty-three, in the fifteenth District of Sumter county, in the county of Sumter, where it originally belonged, it being the lot of land whereon the residence of William Morgan is situated ; which was agreed to.

Mr. Bartlett moved further to amend the report, by adding the following as an additional section :

Be it further enacted, That the line between the counties of Newton and Jasper be so changed as to add the lot whereon John W. Wyale lives now, in the county of Newton, to the county of Jasper ; which was lost.

Mr. Paine moved further to amend the report, by adding the following as an additional section :

And be it further enacted, That lots of land numbers 21, 22, 46, and 72, in the 4th of Irwin, and 18, 29, and 64, in the 5th of Irwin, be added to Coffee ; which was agreed to.

Mr. Pruitt moved further to amend the report, by adding the following as an additional section :

And be it further enacted, That the line between the counties of Banks and Jackson be changed as follows, to wit : commencing where said line crossed the Grove River, thence up said river to the upper land line of Harris Sanders, thence with said Sanders land line to the Banks line, so as

to include the residence of Harris Sanders, thence along the Banks line to Grove Level Post Office, thence along the Diamond Hill Road to Hendrix Bridge, on the Grove River, thence a straight line, to Miller's old Meeting House, so as to include the residence of Matthew Ellison; which was agreed to.

The report as amended was agreed to, the bill was read the third time and passed.

The Senate took up, as the report of the committee of the whole,

A bill, to be entitled an act to authorize the Ordinary of Butts county to pay Matthew J. Gibson, a teacher of the poor children, a sum of money herein named.

Mr. Hood moved to amend the report, by adding the following as an additional section:

And be it further enacted, That the Ordinary of Harris county be authorized to pay out of the Common School Fund of said county, forty-three dollars and fifty-five cents, to John Anderson, a teacher of said county, for teaching poor children, in said county in the year 1853; which was agreed to.

Mr. Johnson, of Clayton, moved further to amend the report by adding the following as an additional section:

Be it further enacted, That the Ordinary of the county of Fayette, shall, and he is hereby authorized to pay out of any Poor School Fund now on hand, or which may hereafter come into his hands, the sum of twenty-five dollars and eighty-five cents to John T. Wooten; for teaching poor children in said county, for the year 1857; which was agreed to.

The report as amended was agreed to, the bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole,

A bill, to be entitled an act to incorporate the first Presbyterian Church, of the city of Columbus; and the St. Luke Methodist Episcopal Church, south of the city of Columbus, and the St. Paul Methodist Episcopal Church, south of the city of Columbus.

Mr. Lawton moved to amend the report, by adding additional sections amendatory of an act incorporating the Trustees for Wesley Chapel, Andrew Chapel and Trinity Church, of the Methodist Episcopal Church, south of the city of Savannah, approved 20th December, 1849, and to appoint separate Trustees for Wesley Chapel, in said city; which was agreed to.

The report as amended was agreed, to the bill was read the third time and lost.

The Senate took up as the report of the committee of the Whole,

A bill to be entitled an act to change the lines between

the counties of Henry and Clayton, also, between the counties of Fayette and Clayton, so as to include certain residences to the county of Clayton.

Mr. Cloud, moved to amend the report by striking out the 1st section of said bill, which was lost.

The report was agreed to, and upon the question shall this bill now pass?

Mr. Cloud, required the yeas and nays which being recorded. Were yeas 43, nays 56.

Those who voted in the affirmative were Messrs.

Allred, Atkinson, Barrow, Burnett, Byars, Cannon, Carter of Elbert, Cooper, DeLapierre, Donaldson, Fulton, Hackett, Hart, Harris of Dougherty, Hill of Wilkes, Hitchcock, Hyde, Ivey, Johnson of Clayton, Jones, Jordan, Lamar, Lott, Maddox, Matthews, McDuffie, McGehee, Moore of Whitfield, Morris, Oliver, Printup, Pruitt, Quillian, Ritch, Robinson, Seward, Snell, Stowers, Summerour, Sweat, Williams of Berrien, Williams of Rabun, Young.

Those who voted in the negative were Messrs.

Alexander, Barclay, Bartlett, Batts, Billups, Bond, Carter of Echols, Chester, Cloud, Cone, Cowen, Crittenden, Davis, Flewellen, Gartrell, Glover, Green, Griffin of Brooks, Griffin of Twiggs, Hall, Harris of Worth, Harvin, Head, Hightower, Holt, Hood, Hutchins, Jamison, Lenoir, Lockhart, Maples, Merrill, Paine, Poole, Reid of Morgan, Reid of Taliaferro, Riley, Rushin, Sawyer, Shellnut, Sheppard, Sirman, Smith of Hancock, Smith of Talbot, Tarver, Turner, Tracy, Usry, Wallace, Ward, Whitehurst, Whitworth, Williams of Terrell, Wilson, Wynne.

So the bill was lost.

The following message was received from the House of Representatives, by Mr. Diamond their Clerk.

Mr. President:—I am directed by the House of Representatives to inform the Senate, that they have passed a resolution to prolong the session of the Legislature until the 16th inst., and have directed me to transmit the same forthwith to this branch of the General Assembly.

The Senate took up as the report of the committee of the whole:

A bill to be entitled an act to incorporate the Chestatee River and Town Creek Hydraulic Hose Mining Company.

Mr. Riley, moved to amend the report by adding addition-

al sections, incorporating the Cavenders Creek Hydraulic Hose Mining Company ; which was agreed to.

The report, as amended, was agreed to, the bill was read the third time and passed.

Leave of absence was granted Mr. Maples, for the balance of the session, on account of the sickness of his family.

Leave of absence was granted Mr. Spaulding, for the balance of the session.

Leave of absence was granted Mr. Wellborn, for the balance of the session after Friday next.

The hour of adjournment having arrived, the President adjourned the Senate until 7 o'clock, P. M.

SEVEN O'CLOCK, P. M.

The Senate met according to adjournment.

The Senate took up the following bill which was read the second time, and referred to the Committee of the Whole.

A bill to be entitled an act to authorize the Governor to appoint a Commissioner or commissions to examine and adjust the claim or claims of citizens of Georgia, residing on the Georgia line, and whose rights and titles to lands acquired from this State, may be affected by the proposed and contemplated settlement of the boundary line between Georgia and Florida.

The Senate took up the following bills, which were severally read the second time and referred to the Committee of the Whole.

A bill to be entitled an act to incorporate Clayton High School, and for other purposes therein named.

Also, a bill to be entitled an act to authorize the Justices of the Inferior Court of Rabun county, to levy an extra tax, and for other purposes.

Also, a bill to be entitled an act to consolidate the offices of the Clerk of the Superior and Inferior Courts of the county of Schley, and to reduce the bond of the Sheriff of said county.

Also, a bill to be entitled an act to amend the charter of the McBean Company, granted Feb, 11th, 1850.

Also, a bill to be entitled an act incorporate the Owl Town and Coosa Creek Mining Company, and for other purposes therein mentioned.

Also, a bill to be entitled an act to establish the county line between the counties of Montgomery and Tatnall, and also between Tatnall and Emanuel.

Also, a bill to be entitled an act to compensate William T. Williamson, for recording the unfinished Journals of the House of Representatives, for the years 1851 and 1852.

Also, a bill to be entitled an act to appropriate money for the Medical College of Georgia, and for other purposes.

Also, a bill to be entitled an act to compel the chartered Banks of this State once in every year, to publish a list of their depositions, and the amounts to the credit of each.

Also, a bill to be entitled an act to amend an act entitled an act, to authorize the Justices of the Inferior Court of Pickens county, to levy and collect an extra tax for the purpose of paying the county debt, created by the building of the Court House in said county, assented to, the 11th of December 1858.

Also, a bill to be entitled an act to incorporate the Board of Trustees of the Mount Vernon Association of Baptist Churches, appointed by said Association for the government and management of Mount Vernon Institute at Readville, in the county of Washington in this State, to confer upon said Board certain powers and privileges, to incorporate the town of Readville, and for other purposes.

Also, a bill to be entitled an act to incorporate the Quitman Guards and the Delhigh Rangers, and to grant them certain powers and exempt them from the duties therein named.

Also, a bill to be entitled an act for the relief of practicing Physicians in the county of Monroe.

Also, a bill to be entitled an act to change the corporate limits of the city of Americus, so as to exclude the residence of John J. Hudson therefrom, and to exempt him from the payment of Taxes to said city.

Also, a bill to be entitled an act to change certain county lines therein mentioned, approved March the 1st, 1856.

Also, a bill to be entitled an act to authorize the Mayor and Council of the city of Macon, to lease a portion of the public reserve lying below said city, to be used as a brick yard, and for other purposes therein mentioned.

Also, a bill to be entitled an act for the relief of Jabez M. White, of the county of Hancock.

Also, a bill to be entitled an act to change the lines between the counties of Irwin and Coffee, and also, between Taylor and Schley, and also, between the counties of Cobb and Paulding.

Also, a bill to be entitled an act to incorporate a Volunteer Corps of Infantry in the town of Thomaston and county of Upson, and to grant unto it certain privileges.

Also a bill to be entitled an act to consolidate the offices of clerk of the Superior and Inferior Courts in the county of Quitman.

Also a bill to be entitled an act for the relief of Mrs. Isabella Adams of the county of Murray.

Also a bill to be entitled an act to incorporate the Georgia Baptist Bible and Colporteur Society.

Also a bill to be entitled an act to amend an act to incorporate the City of Greensboro, to provide for its Government, define its powers and for other purposes mentioned, approved March 5th, 1856.

Also a bill to be entitled an act to appropriate fifteen hundred dollars towards the building of a Turn Pike and bridge over Spring Creek in Miller County, and to authorize the Justices of the Inferior Court of said county to levy an extra tax to raise a fund for the same purpose.

Also, a bill to be entitled an act to exempt practicing physicians of the county of Appling from jury duty.

Also, a bill to be entitled an act to alter and amend the road laws of this State, so far as relate to the county of Lumpkin and Schley.

Also, a bill to be entitled an act to alter and amend an act passed on the 22d day of December, 1857, entitled an act to encourage persons making a will to provide a permanent friend for the collegiate preparation and education of indigent boys and young men.

Also, a bill to be entitled an act to alter and amend the several acts in relation to Bibb county Academy, and to change the name of the same.

Also, a bill to be entitled an act to authorize the Ordinary of Henry county to pay Wm. W. Campbell, Tuition money for poor children for the year eighteen hundred and fifty seven.

Also a bill to be entitled an act to authorize the Ordinary of Campbell county, to pay A. P. McCool for teaching poor children, for the year eighteen hundred and fifty-eight, and for other purposes.

Also, a bill to be entitled an act to incorporate the Macon Guards, to authorize the Governor to furnish them with arms and accoutrements, and to grant certain immunities and privileges to the members of the same.

Also, a bill to be entitled an act to incorporate Gordon Grove (No. 1.) United Ancient Order of Druids, (W. A. O. D.) located and working in Savannah, the objects and principles of the of the order being the diffusion of Social and intellectual intercourse among its members and the establishment of a system of philanthropy and benevolence by providing for the sick and distressed and the interment of its deceased members, and the support of the widow and Orphan.

Also, a bill to be entitled an act to amend an act to protect religious Societies, in the exercise of their religious duties, approved December 13th, 1792.

The Senate took up the following bills of the House of Representatives, which were severally read the first time.

A bill to be entitled an act to charter the Central and Insurance Company of Georgia, and to confer on said Company certain rights powers and privileges, and for other purposes.

Also, a bill to be entitled an act to change the lines between the counties of Irwin and Berrien, and also, between the counties of Macon and Dooly.

Also, a bill to be entitled an act for the relief of Francis Daniel, Sheriff of the county of Dade.

Also, a bill to be entitled an act to declare the law in regard to deeds to land made during adverse possession.

Also, a bill to be entitled an act to amend the 2d section of an act entitled an act, to provide against the forfeiture of the several Bank charters in this State, on account of non-specie payment for a given time, and for other purposes therein named, passed 22d Dec., 1857.

Also, a bill to be entitled an act to add another section to the 7th division of the Penal Code of this State, and for other purposes therein mentioned.

Also, a bill to be entitled an act to change and fix the times of holding the Inferior Courts of the county of Randolph.

Also, a bill to be entitled an act to declare certain words slanderous and actionable *per se*, and for other purposes.

Also, a bill to be entitled an act to amend an act approved the 20th March, 1854, in relation to Patrols, and for other purposes, so far as relates to county of Richmond,

Also, a bill to be entitled an act to exempt from levy and sale certain property therein mentioned, and to provide a mode of securing the same to the wife and children or wife or child or children, and for other purposes.

Also, a bill to be entitled an act to prevent the peddling of spirituous liquors in Greene, Henry, Sumter, Laurens, Early, Troup, Houston, Lincoln, Clay, Wilkes, Dooly, Chatahoochee, Stewart, Glascock, Colquitt, Warren, Webster, Terrell, Jefferson, Burke, Monroe, Newton, Glynn and Taliaferro counties.

Also, a bill to be entitled an act to incorporate a Volunteer Corps of Infantry, in the city of Greensboro, and also, a Volunteer Corps in Covington and in Monroe, in the county of Walton, and to grant them certain privileges.

Also, a bill to be entitled an act for the relief of D. M. &

G. W. Smith, and their securities from a certain bond, and for other purposes.

Also, a bill to be entitled an act for the relief of Andrew J. Lovelady, of the county of Pickens, and for other purposes.

Also, a bill to be entitled an act for the encouragement of Fire Companies in the city of Augusta, to exempt certain members from jury duty, and for other purposes.

Also, a bill to be entitled an act to facilitate the rendition of judgments against Sheriffs, and their securities.

Also, a bill to be entitled an act to incorporate the Baptist Church at the head of Tennessee, in the county of Rabun, and to appoint trustees for the same.

Also, a bill to be entitled an act to repeal the 7th and 9th sections of an act entitled an act to incorporate the village of Chickasawhatchee, in formerly Lee now Terrell county, and to add an additional section to said act, and for other purposes therein mentioned.

Also, a bill to be entitled an act to amend an act entitled an act, to amend the road laws of this State, so far as respects the county of Cherokee, and to amend the several acts regulating roads in this State, so far as respects the operation of said acts in the county of Bryan.

Also, a bill to be entitled an act to endow Florence E. Winn, a minor of Liberty county, Georgia, with all the rights and privileges of majority.

Also, a bill to be entitled an act to provide for a call of a Convention to reduce the number of the General Assembly of the State of Georgia, and to make such other alterations in the Constitution as they may deem essential, and for other purposes.

Also, a bill to be entitled an act to allow persons to make a return of their taxable property to the Clerk of the Superior Court in certain cases, and for other purposes therein mentioned.

Also, a bill to be entitled an act to define certain duties of the several Railroad Agents in this State, and for other purposes therein mentioned.

Also, a bill to be entitled an act for the relief of Cornelius Hibberts of the county of Fulton.

Also, a bill to be entitled an act for the relief of Joseph White, of the county of Jackson.

Also, a bill to be entitled an act to authorize the Justices of the Inferior Court of Cobb county, to levy an extra tax for the purpose of building a Jail, and for other purposes therein mentioned.

Also, a bill to be entitled an act to incorporate the town of Fort Gaines, in the county of Clay, to define its jurisdictional limits, and for other purposes therein mentioned.

Also, a bill to be entitled an act to change the penalty

prescribed in the 3d section of an act entitled an act to prohibit the sale of deadly weapons, and to prescribe the manner of carrying the same, and to punish for the violation of the same, and to repeal an act entitled an act to guard and protect the citizens of this State, against the unwarrantable and too prevalent use of deadly weapons, assented to, the 25th of December, 1837, approved the 12th of Jan., 1852, and for other purposes.

Also, a bill to be entitled an act to alter the time of holding the elections of Receivers of Tax Returns and Tax Collectors in this State, to prescribe the mode in which they shall give bond, and the mode in which the office of Receiver of Tax Returns may be declared vacant.

Also, a bill to be entitled an act for the relief of Charles S. Oliver, and Charles J. Oliver of Clarke county.

Also, a bill to be entitled an act to prevent free negroes and slaves from keeping eating tables, and from living separate and apart from their owners, hirers, or guardians, and to prevent their trafficking and trading in the town of Crawfordville, and the town of Warrenton, in this State, and to prescribe punishment for the same, and for other purposes.

Also, a bill to be entitled an act to incorporate a Volunteer Corps of Artillery, in the town of Athens, and to grant unto it certain privileges.

Also, a bill to be entitled an act to empower the Justices of the Inferior Court, or a majority of them, of Wayne county, to levy an extra tax for the purpose of building and erecting a bridge across the Big Buffalo near Sheffield's old mills, and for other purposes therein mentioned.

Also, a bill to be entitled an act to protect the holders of bills of exchange or drafts drawn and accepted on account of shipments or transfers of cotton, and to punish those who fraudulently violate their contracts of acceptance, or misapply the cotton received by them, or its proceeds.

Also, a bill to be entitled an act to alter and change the name and style of the Mechanics Savings Bank, to the corporate name and style of the Farmers and Mechanics Bank, and for other purposes, connected with said change of name and style.

On motion of Mr. Cannon, the rules were suspended; and the Senate took up as the report of the committee of the whole, the following bill of the House of Representatives.

A bill to be entitled an act to authorize and require the Ordinary of Warren county to pay Miss Harriet L. Dennis, the sum of eighty-seven dollars and six cents, out of any school fund in his hands for educational purposes.

The report was agreed to, the bill was read the third time and passed.

The Senate took as the report of the committee of the whole, the following bill of the House of Representatives :

A bill to be entitled an act to consolidate the offices of tax receiver and collector of Wilcox county.

The report was agreed to, the bill read the third time and passed.

The Senate took up as the report of the committee of the whole, the following bill of the House of Representatives :

A bill to be entitled an act to authorize the Inferior Court of Ware county, to assess an extra tax for the purpose of building a court house in said county.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, the following bill of the House of Representatives :

A bill to be entitled an act to reduce the Sheriff's bond of Dooley county from twenty thousand to ten thousand dollars.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, the following bill of the House of Representatives :

A bill to be entitled an act to incorporate Herman Lodge, No. 189, of Free and Accepted Masons, and for other purposes therein mentioned.

The report was agreed to, the bill was read the third time and passed,

The Senate took up as the report of the committee of whole, the following bill of the House of Representatives :

A bill to be entitled an act to change the name of the Montrose Manufacturing Company of Sparta, Hancock county, to that of Montour Manufacturing Company, and for other purposes.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, the following bill of the House of Representatives :

A bill to be entitled an act to allow additional compensation to the Sheriff's of Hall, Cass, and Dade counties.

The report was agreed to, the bill was read the third time and passed.

The Senate took as the report of the committee of the whole, the following bill of the House of Representatives :

A bill to be entitled an act to incorporate Etowah Lodge, No. 222, of Free and Accepted Masons, at Dawsonville, in Dawson county.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, the following bill of the House of Representatives :

A bill to be entitled an act to incorporate Georgetown, of Quitman county, also to define the boundary of said incorporation, and to appoint the persons therein named commissioners of said town, and to confer certain powers upon said commissioners and their successors in office.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, the following bill of the House of Representatives :

A bill to be entitled an act to revise, alter and amend an act entitled an act to appoint trustees for the Jackson County Academy, and to incorporate the same, assented to 20th of November, 1818, and for other purposes therein expressed.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, the following bill of the House of Representatives :

A bill to be entitled an act to incorporate the town of Thomson, in the county of Columbia.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to extend the corporate limits of the town of Hamilton, Harris county, and to create and give additional powers to the corporate authorities of said town.

Mr. Hood moved to amend the report by inserting the following as a substitute for the ninth section :

And be it further enacted, That no person or persons shall be allowed to vend any spirituous liquors in said town, in less quantity than one gallon, except for medicinal or mechanical purposes, without first obtaining a license from the intendant and commissioners of said town, which license shall be granted to said applicant, upon his paying not less than fifty nor more than one thousand dollars for one year to said intendant and commissioners, provided none of the provisions of this Section shall be so construed as to allow the intendant and commissioners of said town, by any action of theirs, to depreciate the value of the property of any person or persons, who may be retailing spirituous liquors in said town, at the time of the passage of this act,

without making just and reasonable compensation for the use, and the said applicant shall take the said and give the bond now required by law, to the Clerk of the Inferior Court, and said intendant and commissioners shall also grant license to any person or persons who may wish to keep a billiard or Pool Table or Tables, or Ten Pin Alley, upon the applicants paying to the said intendant and commissioners a sum of not less than fifty, nor more than one thousand dollars, and said intendant and commissioners shall have power to tax all other houses of amusement or pastime, that tends to corrupt the morals of the citizens of said town, and for every violation of the provisions of this section, the person or persons so offending shall pay a fine of not less than twenty-five nor more than one thousand dollars, for every such offence, and all moneys arising from the sources contemplated in this section; shall go into the treasury of said town, and constitute a fund for town purposes, to be controlled and disbursed by said intendant and commissioners for the benefit of said town, which was agreed to.

Mr. Hood moved to amend the report by adding the following section:

And be it further enacted, by the authority aforesaid, That the premises or lands of Daniel P. Hill, shall not be embraced within said corporate limits, nor shall the said corporation have or exercise any authority or jurisdictions on lands or premises belonging to said Daniel P. Hill, which was lost.

On motion of Mr. Holt the rules were suspended.

Mr. Holt moved that the Senate this evening continue in session after the regular hour of adjournment, until a motion to adjourn is agreed to, which was agreed to.

The Senate took as the report of the committee of the Whole, the following bill of the House of Representatives:

A bill to be entitled an act to add an additional section to the act incorporating the town of Dahlonga, in the county of Lumpkin.

Mr. Riley moved to amend the report by adding the following as a substitute in lieu of the original bill:

A bill to be entitled an act to amend an act to incorporate the town of Dahlonga, in the county of Lumpkin, and provide for the election of commissioners for the same, and for other purposes therein mentioned, approved Dec. 11th, 1858, which was agreed to.

The report as amended was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the Committee of the Whole, the following bill of the House of Representatives:

A bill to be entitled an act to give to Charles N. Terry, and Joseph H. Morehouse, the same privileges, and make them subject to the same liability as though they were of lawful age.

The report as previously amended was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the Committee of the Whole, the following bill of the House of Representatives:

A bill to be entitled an act to allow Stephen Williams of Pierce county, and John Taylor of Ware county, to peddle in the first Congressional District without paying license for the same.

Mr. Young moved to amend the report by excepting the county of Irwin from the provisions of this act, which was agreed to.

Mr. Laine moved to amend the report by excepting the county of Tellico from the provisions of this act, which was agreed to.

The report as amended was agreed to, the bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole, the following bill of the House of Representatives:

A bill to be entitled an act to incorporate the Bainbridge Volunteers, and to confer certain privileges upon the same.

Mr. Collier moved to amend the report by adding additional sections, incorporating the "Atlanta Grays," a volunteer corps in the city of Atlanta, in the county of Fulton, which was agreed to.

The report as amended was agreed to, the bill was read the third time and passed.

On motion of Mr. Hart the Senate adjourned until 9 o'clock to-morrow morning.

THURSDAY MORNING, DEC. 8th, 1859.

The Senate met according to adjournment.

Leave of absence was granted Mr. Hitchcock, after Friday next, on special business.

Leave of absence was granted Mr. Merrill, after Saturday

next, for the balance of the session, on account of the illness of his family.

Leave of absence was granted Mr. Hill, of Troup, after Saturday next, on special and important business.

Mr. Holt moved to re-consider so much of the Journal of yesterday, as relates to a vote by which a resolution prolonging the present session of the General Assembly, was lost; which was agreed to.

Mr. Johnson, of Clayton, moved to re-consider so much of the Journal of yesterday, as relates to the vote by which

A bill, to be entitled an act to change the line between the counties of Henry and Clayton, also between the counties of Fayette and Clayton so as to include certain residences to the county of Clayton, was lost; which was agreed to.

Mr. Johnson, of Clayton, moved to suspend the rule, for the purpose of taking up a resolution of the House of Representatives, relative to prolonging the present session of the General Assembly; which was agreed to.

The Senate took up the following resolution of the House of Representatives:

Resolved by the Senate and House of Representatives, That the present session of this General Assembly be prolonged, until Friday, the 16th of this month.

Mr. Collier moved to amend the foregoing resolution, by striking out the word Friday, and inserting the word Thursday; which was lost.

Mr. Harris, of Worth, called for the previous question which being seconded, the main question was ordered to be put, and upon the question, shall the resolution be agreed to, the yeas and nays were ordered to be recorded, and were yeas 86, nays 25.

Those who voted in the affirmative, were Messrs.

Barclay, Barrow, Batts, Boggs, Bond, Briscoe, Brown, Burnett, Byars, Cannon, Carter, of Elbert, Chester, Collier, Cooper, Cook, Cone, Cowen, Crittenden, Davis, Evans, Fawcett, Fulton, Gartsell, Green, Grice, Griffin, of Brooks, Hackett, Hall, Hart, Harris, of Dougherty, Harris of Worth, Harvin, Hill, of Troup, Hill, of Wilkes, Hines, Holt, Hood, Johnson, of Clayton, Johnson, of Cass, Jordan, King, Kirby, Lamar, Lawton, Lenoir, Lockhart, Lott, Maples, Matthews, Merrill, McDuffie, McGehee, McCleod, McRae, Moore, of Whitfield, Morris, Printup, Pruitt, Quillian, Reid of Taliaferro, Riley, Ritch, Robinson, Roberts, Sawyer, Seward, Shelton, Shellnut, Sheppard, Sirman, Smith, of Hancock, Smith, of Talbot, Snell, Stowers, Tarver, Tracy, Uary, Wallace, Ward, Wellborn, Wells, White, Whitworth, Williams, Berrien, Wilson, Young.

Those who voted in the negative, were Messrs.

Allred, Bartlett, Billups, Cloud, Delaperriere, Donaldson, Glover, Head, Hightower, Hitchcock, Hutchins, Hyde, Jamison, Maddox, Oliver, Paine, Poole, Rushin, Sweat, Tatum, Turner, Whitehurst, Williams, of Rabun, Williams, of Terrell, Wynne.

So the resolution was agreed to.

The Senate took up as the report of the Committee of the whole :

A bill of the House of Representatives, to be entitled an act for the pardon of Thomas C. Whitworth, now under sentence of death for the crime of murder, in the county of Chattooga.

The report was agreed to.

Mr. Hart called for the previous question, which was seconded.

The main question was ordered to be put, and upon the question, shall this bill now pass, the yeas and nays were recorded, and were yeas 96, nays 7.

Those who voted in the affirmative, were Messrs.

Alexander, Allred, Barclay, Barrow, Bartlett, Batts, Billups, Boggs, Briscoe, Brown, Burnett, Byars, Cannon, Carter, of Elbert, Chester, Collier, Cooper, Cook, Cone, Cowen, Crittenden, Davis, Delaperriere, Denham, Donaldson, Flewellen, Fulton, Gartrell, Glover, Green, Grice, Griffin, of Brooks, Griffin, of Twiggs, Hackett, Hall, Hart, Harris, of Worth, Harvin, Head, Hightower, Hill, of Sumter, Hill, of Troup, Hill, of Wilkes, Hines, Hitchcock, Holt, Hood, Hutchins, Ivey, Jamison, Johnson, of Clayton, Jones, Jordan, King, Kirby, Lamar, Lawton, Lenoir, Lockhart, Lott, Maples, Matthews, Merrill, McDuffie, McGehee, McLeod, McRae, Morris, Poole, Printup, Pruitt, Quillian, Riley, Robinson, Sawyer, Shelton, Shellnut, Sheppard, Sirman, Smith, of Hancock, Smith, of Talbot, Snell, Stowers, Sweat, Tatum, Turner, Usry, Wallace, Ward, Wellborn, Wells, White, Whitworth, Williams, of Terrell, Wilson, Wynne.

Those who voted in the negative, were Messrs.

Hyde, Moore, of Whitfield, Oliver, Roberts, Seward, Tarter, Young.

So the bill was passed.

Mr. Collier, from the committee on Banks, made the following report, which was read :

Mr. President: The committee on Banks have had under

consideration a bill, to be entitled an act amendatory of the act of 1857, entitled an act to provide against the forfeiture of theseveral Bank charters in this State, on account of non-specie payment for a given time, and for other purposes therein mentioned, and declaratory of the true intent and meaning of certain sections of the same, and have directed me to report the same back to the Senate, with the recommendation that the same do pass.

JOHN COLLIER, *Chairman*:

The following message was received from the Governor, by Mr. Campbell, his Secretary :

Mr. President : The Governor has signed the following acts, to wit :

An act, to constitute and declare Margaret Marshall Barclay, the adopted daughter of Mary M. Marshall, of the county of Chatham, the heir of the said Mary M. Marshall, and to enable her to inherit the property of the said Mary M. Marshall, and for other purposes.

An act, to be entitled an act to change and fix the time of holding the Superior Courts in the counties of Heard, Carroll, Campbell, Paulding and Floyd, and to change the time of holding the Inferior Courts in the county of Heard, and to add the county of Paulding to the Tallapoosa Circuit.

The following was received from the House of Representatives, by Mr. Diamond, their Clerk.

Mr President : The House of Representatives has passed the following bills :

A bill, to prescribe the time for the State Printer to furnish the Acts and Journals.

A bill, to protect and quit the possession of lands, and to prevent tenants from holding lands against landlords, &c.

A bill, to alter and amend an act pointing out the mode of collecting a certain description of debts therein mentioned, approved December 19th, 1858.

A bill, to fix the pay of the State Penitentiary Guard for the future.

A bill, to confer certain powers upon Juries at Law.

A bill, to alter and amend the claim laws of this State, &c.

A bill for the relief of the heirs of Everett Wells, deceased.

A bill, to increase the duties of the Comptroller General, and to provide compensation for the same, and for other purposes therein named.

A bill, to repeal the first, second and third sections of an act to prescribe certain rules and regulations to be observed by the several Railroad Companies in running engines upon their respective tracts, and annex a penalty for the violation

of the same, approved January 22nd, 1852, and to substitute two sections in lieu of said second and third sections.

The Senate took up, as the report of the Committee of the Whole,

A bill, to be entitled, an act to repeal the eighth section of the divorce laws of this State, assented to December 5th, 1806, and for other purposes therein mentioned.

The committee on the Judiciary, to whom this bill was referred, reported against its passage.

Mr. Cook moved to amend the report by adding the following proviso

Provided, That it shall appear at the trial, that such divorce is not obtained by the consent or collusion of the parties; which was lost.

The report was disagreed to, and upon the question, shall this bill now pass? the yeas and nays were recorded, and were yeas 36, nays 68.

Those who voted in the affirmative were Messrs.

Bond, Brown, Cannon, Cook, Crittenden, Davis, Griffin, of Twiggs, Harris of Worth, Hill of Sumter, Hill of Troup, Hines Holt, Hyde, Johnson, of Clayton, McDuffie, McGehee, Morris, Oliver, Poole, Printup, Pruitt, Riley, Robinson Roberts, Rushin, Sawyer, Seward, Sheppard, Smith, of Hancock, Stowers, Tarver, Tracy, Wallace, Whitworth, Williams, of Berrien, Williams, of Terrell.

Those who voted in the negative, were Messrs.

Alexander, Allred, Barclay, Barrow, Batts, Billups, Briscoe, Byars, Carter, of Elbert, Chester, Collier, Cooper, Cone, Cowen, Delaperriere, Denham, Donaldson, Evans, Flewellen, Fulton, Gartrell, Glover, Green, Grice, Griffin, of Brooks, Hackett, Hall, Hart, Head, Hightower, Hill, of Wilkes, Hitchcock, Hood, Hutchins, Jamison, Johnson, of Cass, Jones, Jordan, Kirby, Lamar, Lenoir, Lockhart, Lott, Maddox, Maples, Matthews, Merrill, McLeod, McRae, Moore, of Whitfield, Paine, Quillian, Reid, of Taliaferro, Ritch, Shelton, Shellnut, Sirman, Smith, of Talbot, Snell, Tatum, Turner, Ward, Wellborn, White, Whitehurst, Wilson, Wynne, Young,

So the bill was lost.

Mr. King, Chairman of the committee on Internal Improvements, made the following report:

The committee on Internal Improvements, to whom was referred,

A bill, to be entitled an act to amend the several acts of the General Assembly, relating to the Savannah and Al-

bany Rail Road Company, and the Savannah, Albany and Gulf Rail Road Company, and to authorize the said Company to construct Branch Roads to the boundary line between Georgia and Florida, report the bill back to the Senate, without any recommendation.

The Senate took up, as the report of the Committee of the Whole,

A bill, to be entitled an act to add an additional section to an act entitled an act to amend and explain the 27th section of the Judiciary Law of this State, approved 7th day of December, 1812.

The committee on the Judiciary, to whom this bill was referred, reported against its passage.

The report was agreed to, and the bill was passed.

The Senate took up, as the report of the Committee of the Whole,

A bill, to be entitled an act to regulate the admission of evidence in the several Courts of Law and Equity, and before Arbitrators, in this State.

On motion, the same was laid on the table for the present.

The Senate took up, as the report of the Committee of the Whole,

A bill, to be entitled an act to repeal so much of an act approved March 6, 1856, in relation to the destruction of deeds by fire, in so far as relates to cases pending at the time of the passage of this act.

The committee on the Judiciary, to whom this bill was referred, reported against its passage.

The report was agreed to, and the bill was passed.

The Senate took up as the report of the Committee of Whole,

A bill, to be entitled an act to provide for the payment of the Attorneys and Solicitors General, and to dispose of money raised by fines and forfeitures.

On motion, the same was postponed indefinitely.

Mr. Fulton moved, that when the Senate adjourn, it adjourn to meet at 7 o'clock, P. M.; which was agreed to.

The Senate took up as the report of the committee of the Whole,

A bill to be entitled an act to authorize the arrest and rendition of persons committing offences against the criminal laws of any of the adjoining States, to the State of Georgia, and who may take refuge within the limits of the State of Georgia upon certain conditions herein named.

The Judiciary committee to whom this bill was referred reported against its passage.

The report was agreed to.

Mr. Morris moved to amend the report by adding the following as an amendment to the first section :

“And the said warrant being backed or indorsed by a Judge of the Court, having jurisdiction of the offence in the State where said defendant has taken refuge, shall authorize any officer authorized to execute the same, to arrest such person, and deliver such person to the Sheriff of the county in the State where said offence was committed, to answer such offence according to the laws of the State where said offence was committed, which was agreed to.

The report as amended was agreed to, the bill was read the third time and passed.

The hour of adjournment having arrived, the President adjourned the Senate until 7 o'clock, P. M.

SEVEN O'CLOCK, P. M.

The Senate met according to adjournment.

The Senate took up as the report of the committee of the Whole,

A bill to be entitled an act to allow the Ordinary of Talbot county to pay William G. Boothe for teaching certain poor children in the county of Talbot in the year 1856 and 1857

Mr. Jones moved to amend the report by adding the following as an additional section :

And be it further enacted, That the Ordinary of Newton county be, and he is hereby authorized to pay over to Samuel Lindsey, a former teacher of the poor in said county, the sum of six dollars, which is still due and unpaid, which was agreed to.

Mr. Gartrell moved further to amend the report by adding the following as an additional section :

And be it further enacted, by the authority aforesaid, That the Ordinary of Cobb county be, and he is hereby authorized to pay to Thomas Wayland of said county, out of any money of the poor school fund of said county, not otherwise appropriated, fifty-three dollars and twenty-five cents, for teaching certain poor children of said county in the year 1858, which was agreed to.

Mr. Fultou moved further to amend the report by adding the following as an additional section :

Be it further enacted, That the Ordinary of Columbia county be authorized to pay such poor school claims as have been presented to and approved by said Ordinary or

his predecessor in office belonging to Samuel Jackson and J. J. Pound, of the aforesaid county, according to law. The aforesaid Ordinary shall be further authorized to pay all similar poor school claims presented, and approved as herein before provided, belonging to teachers in the aforesaid county, out of any school funds in his possession, which was agreed to.

Mr. Morris moved further to amend the report by adding the following as an additional section :

And be it further enacted, That the School Commissioner of Hart county be, and he is hereby authorized to pay the accounts of Miss Catharine Crow, of Hart county, an account for teaching poor children in said county, which was agreed to.

The report as amended was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole,

A bill to be entitled an act to amend the road laws of Hancock county.

Mr. Smith of Hancock, moved to amend the report by the following as a substitute in lieu of the original :

A bill to be entitled an act to authorize the Inferior Court of the county of Hancock, to compel the hands subject to road duty in any one District in said county, to perform road duty in any adjoining Districts, which was agreed to.

The report as amended was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole,

A bill to be entitled an act for the relief of Susan L. B. Godwin, of Bibb county

Mr. Hill of Troup, moved to amend the report by adding the following as an additional section :

And be it further enacted, by the authority of the General Assembly of Georgia, That William F. Freel be, and he is hereby relieved from all liabilities and disabilities incurred by him by his marriage with Jane F. Lloyd, alias Jane F. Freel, alias Jane F. Dewberry, and that he be allowed to marry again, as if he had never been married, which was agreed to.

The report as amended was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole,

A bill to be entitled an act to change the line between

the counties of Baker and Early, so as to include lot of land number three hundred and ninety-two, in the 7th District of Baker, in the county of Early.

Mr. Wiley moved to amend the report by adding the following as an additional section :

And whereas, doubts are entertained as to the true interpretation of an act entitled an act to lay out and organize a new county from the counties of Lumpkin and Dawson; approved December the 11th, 1857-

Be it further enacted, That the point of lot number four hundred, mentioned in said act where the line shall begin to run, shall be the extreme Southern point of said lot number four hundred, on the West bank of said Chestatee River, and the said line shall run thence to the said North-East corner of the said fourth district mentioned in said act, which was agreed to.

The report as amended was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole,

A bill to be entitled an act for the relief of Davis Gammage, Shadrick Ware, William Winter and H. M. Johnson.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole,

A bill to be entitled an act to prescribe and define the qualifications of persons in Early county for the office of Ordinary, and to remove certain disabilities under existing laws, and for other purposes.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole,

A bill to be entitled an act to amend an act entitled an act to incorporate the Georgia White Path Gold and Copper Company; approved February the 18th, 1856.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole,

A bill to be entitled an act to repeal all laws relating to head rights, so far as they apply to Franklin county.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole,

A bill to be entitled an act to compensate the Sheriffs of

Jefferson county, for serving of subpoenas on Grand and Petit Jurors of said county.

The report was agreed to; the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole,

A bill to be entitled an act to incorporate Checharo Baptist Church, in the county of Rabun.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the Committee of the Whole,

A bill to be entitled an act for the relief of Moses G. Sutton, of Berrien county.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole,

A bill to be entitled an act to alter, amend and define an act to provide for the education of the children of this State; assented to December 11th, 1858, and for other purposes therein mentioned, so far as relates to the county of Murray.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole,

A bill to be entitled an act to authorize Solomon A. Howell, an infirm man of the county of Calhoun, as an itinerant trader, to vend any goods, wares or Merchandize within the second Congressional District, without obtaining license for the same.

Mr. Holt moved to amend the report by adding the following as an additional section.

Be it it further enacted, That Robert B. Davis, of the county of Hall, be allowed to peddle in the counties of Hall and White, under the restrictions of the foregoing act, which was agreed to.

Mr. Guerry moved further to amend the report by excepting the counties of Quitman, Lee and Stewart, from the provisions of the bill, which was agreed to.

Mr. Williams of Terrell, moved further to amend the report, by excepting the counties of Terrell and Webster from the provisions of the bill.

Which was agreed to.

Mr. Hill of Troup, moved further to amend the report by adding the following proviso:

Provided, The said persons shall peddle only on their own goods, and for themselves; which was agreed to.

Mr. Guerrey moved further to amend the report by adding the following as an additional section.

Be it further enacted, That Alden Hall, of Quitman be allowed to peddle on clocks throughout the State of Georgia, which was agreed to.

The report as amended was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the Committee of the whole,

A bill to be entitled an act to incorporate the House of Israel in the city of Macon.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the Committee of the whole,

A bill to be entitled an act to add an additional section to an act, to appoint the persons therein named, commissioners, of the town of Preston, &c., assented to 22nd, December, 1847.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to change the time of holding the Inferior Court, in the county of Gordon.

The report was agreed to. The bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to alter and change the common School laws, so far relates to Walton county.

The report was agreed to.

The bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to incorporate the Savannah Mutual Loan Association.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to amend an act entitled an act, to lay out and form a new county, from the counties of Marion and Sumter, and to organize the same, assented to, December 22d, 1857.

Mr. Crittenden moved to amend the report by the following, as a substitute for the foregoing.

A bill to be entitled an act to amend an act entitled to lay out and form a new county from the counties of Sumter

and Marion, assented to, Dec. 22d, 1847, and to alter the county lines, and for other purposes therein mentioned.

The report as amended was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the Committee of the whole,

A bill to be entitled an act to authorize and require the Ordinary of Worth county to pay the accounts of John Everitt, for teaching poor children in certain years.

Mr. Merrell moved to amend the report by adding the following :

And be it further enacted, That the Ordinaries of the several counties of this State, be, and they are hereby authorized and required to pay off all arrearages due teachers of poor children in their respective counties, whose accounts have been returned and audited by the said Ordinaries, and which have not been fully paid, so far as they may have funds in their hands after paying off the Teachers for the present year, which was agreed to.

The report as amended was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the Committee of the whole,

A bill to be entitled an act to authorize James E. Lynn of the county of Pulaski, to peddle on such goods and wares not prohibited by law in the limits of said county.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to authorize the the Ordinary of Pike county to pay certain money therein mentioned to certain teachers of poor children in said county.

Mr. Gartrell moved to amend the report by striking out the preamble, which was agreed to.

The report as amended was agreed to, the bill was read the third time passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to authorize Francis M. Harrell of the county of Fayette, to practice Medicine and charge and collect for the same.

On motion the same was postponed indefinitely.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to amend an act entitled an act to incorporate the town of Dalton under the name of the city of Dalton, and for other purposes.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to provide for the relief of John A. Jones and Jackson Vaughn of the county of Milton.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to change the line of the county of Schley, and for other purposes herein mentioned.

On motion the same was postponed indefinitely.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to authorize John Boon of the county of Milton to practice Medicine, and charge and collect fees for the same.

On motion the same was indefinitely postponed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to authorize the Governor to appoint some fit and proper person to run out the line between the 7th District of Baker, and the 3rd District of Calhoun, county.

Mr. Harvin moved to amend the report by the following as a substitute in lieu of the original bill.

A bill to be entitled an act to define the line between the counties of Calhoun and Baker.

On motion of Mr. Harvin the bill and substitute was postponed indefinitely.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to alter, amend and construe an act, to provide for the education of the children of this State, &c., so far as the same relates to the county of Milton.

Mr. Whitworth moved to amend the report, by extending the provisions of this bill, to the county of Paulding.

Which was agreed to.

Mr. Cowen moved further to amend the report by striking out the latter part of the 7th section, which was agreed to.

The report as amended was agreed to the bill was read the third time and passed.

The Senate took up as the report of the Committee of the whole,

A bill to be entitled an act to authorize the Thomaston and Barnesville Railroad company to construct and extend their Railroad to Geneva, or some other point on the Road of the Muscogee Railroad company.

Mr. Flewellen moved to amend the report by adding the following as an additional section.

And be it further enacted, That the Muscogee Railroad company be and it is hereby authorized and empowered by, and with the consent of the Thomaston and Barnesville Railroad company, first being had thereto, to extend its Railroad from some convenient point on said Muscogee Railroad to Thomaston in the county of Upson, and that all the disabilities, rights, powers, privileges and provisions granted said Muscogee Railroad company in its present charter be extended so as to embrace said extension, and that said Muscogee Railroad company, have the right to increase its capital stock three hundred thousand dollars for this purposes, which was agreed to.

Mr. Flewellen moved further to amend the report; by striking out of the caption, and first section, the words "Geneva or some other," and by inserting the word "some" and by adding after the words "Capital Stock" in the first section the words "two hundred thousand dollars," which was agreed to.

The report as amended was agreed to, the bill was read the third time and passed.

Mr. Lawton from the committee on the Judiciary made the following report:

The committee on the Judiciary have had under consideration a bill to be entitled an act to amend an act entitled an act to abolish imprisonment for debt on certain conditions therein set forth, and for other purposes therein mentioned, assented December 11th, 1858, and for other purposes, and recommend that the same do not pass.

Also, a bill to be entitled an act to amend the act establishing the Supreme Court of Georgia, and recommend that the same do not pass.

Also a bill to be entitled an act to allow, and make compensation to the Reporter of the Supreme Court for certain volumes of the decisions of said Court, furnished by him under the provisions of the act of 1835, and recommend that the same do pass.

On motion of Mr. Lawton, the rules were suspended, and the

The Senate took up as the report of the committee of the Whole,

The following bill of the House of Representatives:

A bill to be entitled an act to amend an act entitled an act to incorporate the Orphans Home of the Protestant Episcopal Church, in Chatham county, and for other purposes therein named.

The report was agreed to, the bill was read the third time and passed.

The hour of adjournment having arrived, the President adjourned the Senate until 9 o'clock to-morrow morning.

FRIDAY, DECEMBER 9th, 1859.

The Senate met according to adjournment.

Mr. King, moved to suspend the rules for the purpose of offering a resolution, which was agreed to.

Mr. King, offered the following resolution which was taken up and read, and referred to the committee on Agriculture :

Whereas, a movement is now being made by the Merchants, Manufacturers, Bankers and Capitalists of the continent of Europe, to establish direct Commercial intercourse with the cotton planting States, whereby merchandise may be sent direct to Southern Markets, and a large portion of the cotton crop transmitted directly to the manufacturer ; thus avoiding the expense of the circuitous channels through which it now passes. Securing to the producer higher prices and an exemption from the combinations of speculators at home and abroad : and also, for the employment of a large amount of European capital in the development of our Agricultural, Commercial and Mineral resources ; and, whereas the Cotton Planters Association of Georgia, has appointed the Hon. Howell Cobb and the Hon. John W. Thomas, commissioners to proceed to Europe, for the purpose of securing to Georgia the benefits of the movement above referred to ; and

Whereas, The General Assembly look with much solicitude to the accomplishment of the objects contemplated by the Cotton Planters' Association, as immediately connected with and designed to promote our material progress and prosperity as a people ; therefore be it

Resolved, By the Senate and House of Representatives of the State of Georgia in General Assembly met, that the Governor is hereby requested to appoint a commissioner, on behalf of the State to proceed to Europe and act in concert with the commissioners appointed by the Cotton Planters' Convention, and to report to the Governor the result of his enquiries, investigations and proceedings, and that said report be transmitted by His Excellency to the General Assembly at their next session.

The Senate took up, as the report of the Committee of the Whole,

A bill to be entitled an act to lay out and organize a new county from Decatur.

On motion the same was postponed indefinitely.

The Senate took up as the report of the Committee of the whole :

A bill to be entitled an act to amend the claim laws of this State.

The committee on the Judiciary to whom this bill was referred, reported against its passage.

The report was agreed to, and the bill was lost.

The Senate took up, as the report of the Committee of the Whole,

A bill to be entitled an act to enable defendants at common law to give in evidence a partial failure of consideration of contracts, approved Dec. 26th, 1836.

On motion the same was postponed indefinitely.

Mr. Rogers of Dougherty, from the committee on enrollment reported as duly enrolled, and signed by the Speaker of the House of Representatives; and ready for the signature of the President of the Senate,

An act to incorporate the Etowah Lodge No. 222, of Free and Accepted Masons at Dawsonville in Dawson county.

Also, an act to authorize the Inferior Court of Ware county, to assess an extra tax for the purpose of building a Court House in said county.

Also, an act to consolidate the Offices of Tax Receiver and Collector in Wilcox county.

Also, an act to authorize and require the Ordinary of Warren county, to pay Miss Harriet L. Dennis the sum of eighty-seven dollars and six cents, out of any school funds in his hands for educational purposes.

Also, an act to reduce the Sheriffs bond of Dooly county.

Also, an act for the relief of the estate of Robert Bradford, deceased, and Samuel Moffat and Robert H. Bradford, Executors of the same.

Also, an act to change the name of the Montrose Manufacturing Company of Sparta, Hancock county, to that of the Montour Manufacturing Company, and for other purposes.

Also, an act to incorporate Herman Lodge No. 189, and for other purposes therein mentioned, of Free and Accepted Mason.

Also, a resolution to prolong the present session of the General Assembly, until the 16th of this present month.

Also, an act to pardon Thomas C. Whitworth of the county of Chattooga, now under sentence of death, for the crime of murder.

Also, an act to allow additional compensation to the Sheriffs of Hall, Cass and Dade counties.

The Senate took as the report of the committee of the whole :

A bill to be entitled an act to facilitate the collection of fines.

On motion the same was indefinitely postponed.

The Senate took up, as the report of the Committee of the Whole,

A bill to be entitled an act the better to secure and protect the rights of married women, and for other purposes.

On motion the same was postponed indefinitely.

The Senate took up as the report of the committee of the Whole,

A bill to be entitled an act to repeal an act in relation to new promises, assented to, Feb. 20th, 1854.

The report was disagreed to, and the bill was lost.

The Senate took up, as the report of the Committee of the Whole,

A bill to be entitled an act to require the concurrent opinion of at least two of the Judges of the Supreme Court of this State, to make a decision in said Court.

The Committee on the Judiciary to whom this bill was referred, reported against its passage.

The report was agreed to, and the bill was lost.

The Senate took up as the report of the committee of the Whole,

A bill to be entitled an act to declare the meaning and intention of an act amendatory of an act, to exempt from levy and sale under execution certain property therein mentioned.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole,

A bill to be entitled an act to authorize a Testator to make an inventory.

The report was disagreed to, and the bill was lost.

The following Message was received from the House of Representatives, by Mr. Diamond their Clerk.

Mr. President: The House of Representatives have passed the following bills :

A bill to amend an act to regulate Toll Bridges, Ferries and Turn Pike Roads, approved December 22d, 1808, and to prescribe certain penalties for violation of the same.

A bill to change the county lines between the counties of Milton and DeKalb, Milton and Gwinnett and to define the line between Early and Miller.

A bill to prevent minors from selecting a new Guardian at their own option, upon arriving at fourteen years of age, &c.

A bill amend the Judiciary act of Georgia, so far as relates to the county of McIntosh, and to require Magistrates

in this State, to consolidate suits brought between the same parties at the same term, if the aggregate does not exceed fifty dollars:

A bill to alter and amend the law of descendants in cases of persons who are illegitimate or born out of lawful wedlock, dying intestate.

A bill to prevent and made penal the betting on Elections.

A bill to prevent the netting, shooting and hunting of Partridges, Doves, Snipes, Turkeys, Ducks or other game birds in Richmond county, within certain seasons.

They have also agreed to a resolution relative to increasing the salary of the Judge of the United States Circuit Court, and request the concurrence of this branch of the General Assembly in the same.

The Senate took up as the report of the committee of the Whole,

A bill to be entitled an act to alter and amend the laws now existing in reference to the Supreme Court.

The Judiciary Committee to whom the foregoing bill was referred, moved to amend the report by striking out the 1st section of said bill, which was agreed to.

The report, as amended, was agreed to the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole,

A bill to be entitled an act to increase the salary of the Superintendant of the Western and Atlantic Railroad.

On motion the same was postponed indefinitely.

The Senate took up as the report of the committee of the Whole,

A bill to be entitled an act to organize a new Judicial Circuit, to be called the Oconee Circuit.

Mr. Bartlett moved to postpone the same indefinitely.

Upon agreeing to which motion the yeas and nays were recorded and, were yeas 49, nays 51.

Those who voted in the affirmative are Messrs :

Alexander, Allred, Barrow, Bartlett, Bond, Brown, Carter of Echols, Chester, Cloud, Cook, Cone, Cowen, Delapierriere, Donaldson, Gartrell, Grice, Griffin of Twiggs, Hall, Hart, Hill of Wilkes, Hines, Holt, Hood, Hutchins, Jamison, Jones, Kirby, Maples, Merrill, Moore of Whitfield, Morris, Poole, Reid of Taliaferro, Ritch, Sawyer, Shelton, Shellnut, Sheppard, Smith of Hancock, Smith of Talbot, Snell, Stowers, Summerour, Sweat, Tarver, Wallace, Whitehurst, Whitworth, Williams of Rabun.

Those who voted in the negative are Messrs.

Batts, Billups, Boggs, Briscoe, Byars, Carter of Elbert,

Collier, Cooper, Davis, Denham, Evans, Fulton, Glover, Green, Griffin of Brooks, Harvin, Head, Hightower, Hill of Troup, Hyde, Ivey, Johnson of Clayton, Johnson of Cass, Jordan, Lamar, Lawton, Lenoir, Lockhart, McDuffie McGehee McLod McRae, Oliver, Paine, Printup, Quillian, Reid of Morgan, Riley, Robinson, Rushin, Seward, Sirman, Sturges, Tatum, Turner, Ward, White, Williams of Berrien, Williams of Terrell, Wilson, Wynne.

So the motion to postpone indefinitely did not prevail.

Mr. McDuffie moved to amend the report by adding an additional section as follows :

Be it further enacted, That the Inferior Court of the county of Wilcox, shall be held on the second Monday in January and July, which was agreed to.

Mr. McRea moved further to amend the report by striking out the county of Montgomery, which was agreed to.

Mr. Snell moved further to amend the report by striking out the county of Johnson, which was agreed to.

Mr. Jordan moved further to amend the report by inserting the county of Wilkinson, which was lost.

On motion of Mr. Jordan the bill and amendments offered thereto, was postponed indefinitely.

The Senate took up as the report of the Committee of the Whole,

A bill to be entitled an act to alter and amend the seventh section of an act entitled an act to amend the several Judiciary Acts now of force in this State, so far as relates to Justices Courts, approved December 14th, 1811.

The committee on the Judiciary, to whom this bill was referred, reported against its passage.

The report was agreed to, and the bill was lost.

Mr. Harris of Dougherty, from the committee on enrollment, reported as duly enrolled, signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate :

An act, to revise, alter and amend an act entitled an act, to appoint Trustees for the Jackson County Academy, and to incorporate the same, assented to 20th November, 1818, and for other purposes therein expressed.

Also, an act to incorporate Georgetown, of Quitman county, also to define the boundary of said incorporation, and to appoint the persons therein named as commissioners of said town, and to confer certain powers upon said commissioners and their successors in office.

The Senate took up as the report of the committee of the Whole,

A bill to be entitled an act to alter and amend the tax laws of this State.

The report was agreed to, the bill was read the third time and passed.

The Senate took up, as the report of the committee of the whole,

A bill to be entitled an act to declare the true intent and meaning of the twentieth section of an act entitled an act to carry into effect the amended Constitution, in reference to Ordinaries of said State, and for other purposes, assented to January 21st, 1852.

The report was agreed to, the bill was read the third time and passed.

The Senate took up, as the report of the committee of the whole,

A bill to be entitled an act to permit delay in the trial of causes in the courts of this State, &c.

The report was agreed to, the bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole,

A bill to be entitled an act to incorporate a Bank, in the city of Atlanta, to be called the Railroad City Bank, and for other purposes.

The committee to whom was referred the foregoing bill, moved to amend the report as follows, by adding to the first section, "That all the officers of said Bank, and two thirds of its stockholders shall be residents of the State of Georgia," and further, by striking out the word "three" and insert the word "five" wherever it occurs in the third section of said act—also, by striking out the twelfth section of said act—also, by adding to the fourteenth section the following words, to-wit: "and the said bank shall have in its vaults one dollar in specie for every three dollars it has in circulation," also in the seventeenth section, before the word property, in the first line insert the word "private," also by adding an additional section as follows:

'That it shall be lawful for said bank to establish agencies without the limits of said State.

Which report was agreed to.

Mr. Hall moved to amend the report further by adding the following as additional sections:

And be it further enacted, That at no time shall the bills in circulation issued by said Bank exceed three times the amount of gold and silver actually paid in, belonging to and within the vaults of said Bank.

And be it further enacted, That the Legislature shall have power whenever in its discretion it may deem proper, to alter, modify, or repeal, this charter.

And be it further enacted, That any President, Director, or other officer of said Bank who shall violate or be concerned in violating any provision in this charter, shall be guilty of a high misdemeanor, and on indictment and conviction thereof, shall be punished by imprisonment and labor in the Penitentiary for a term not less than one year, nor longer than ten years.

Upon agreeing to said amendment, the yeas and nays were required to be recorded, and were yeas 35, nays 66.

Those who voted in the affirmative were Messrs.

Barclay, Bartlett, Bond, Brown, Byars, Cone, Cowen, Davis, Denham, Gartrell, Green, Griffin of Twiggs, Hall, Harris of Worth, Head, Hill of Wilkes, Hood, Hutchins, Hyde, Jones, Maddox, Maples, Merrill, McLeod, Reid of Talliaferro, Robinson, Rushin, Sawyer, Shelton, Shellnut, Smith of Talbot, Snell, Wells, Williams of Rabun, Wilson.

Those who voted in the negative were Messrs :

Alexander, Allred, Barrow, Batts Billups, Boggs, Carter of Echols, Carter of Elbert, Chester, Collier, Cooper, Cook, Crittenden, Delaperriere, Donaldson, Evans, Fulton, Glover, Grice, Griffin of Brooks, Hart, Harris of Dougherty, Harvin, Hightower, Hill of Sumter, Hill of Troup, Hines, Holt, Ivey, Jamison, Johnson of Clayton, Johnson of Cass, Kirby, Lamar, Lawton, Lenoir, Lockhart, Lott, Mathews, McDuffie, McGehee, McRea, Morris, Oliver, Poole, Printup, Pruitt, Quillian, Riley, Ritch, Roberts, Seward, Sheppard, Sirman, Smith of Hancock, Stowers, Sturges, Sweat, Tatum, Tracy, Usry, Ward, White, Whitehurst, Whitworth, Williams of Berrien, Williams of Terrell, Wynne, Young.

So the motion did not prevail.

Mr. Holt moved further to amend the fourteenth section of the report as follows :

Provided, That the amount of bills which the said Bank may issue, united to the amount of debts which it may owe, shall not at any time exceed the amount of its capital stock actually paid in, and actually in its vaults in specie, which was lost.

Mr. Harris of Worth moved further to amend the report by adding the following :

And be it further enacted, That the individual property of the several stockholders ~~be jointly and severally bound for~~ the redemption of all the liabilities of said incorporation or chartered company, and that no liability when once created shall cease upon the expiration of said charter by limitation or otherwise.

Upon which amendment the yeas and nays were required to be recorded, and are yeas 62, nays 48.

Those who voted in the affirmative were Messrs.

Allred, Barclay, Barrow, Bartlett, Batts, Bond, Brown, Byars, Carter of Echols, Cone, Cowen, Crittenden, Davis, Delaperriere, Denham, Donaldson, Gartrell, Glover, Green, Griffin of Twiggs, Hall, Hart, Harris of Dougherty, Harris of Worth, Head, Hightower, Hill of Wilkes, Hines, Hood, Hutchins, Hyde, Jones, Jordan, Kirby, Lamar, Lott, Maddox, Maples, McLeod, Moore of Whitfield, Reid of Taliaferro, Ritch, Robinson, Rushin, Shelton, Shellnut, Sheppard, Smith of Talbot, Snell, Stowers, Tarver, Tatum, Turner, Usry, Wallace, Wells, Whitehurst, Whitworth, Williams of Rabun, Williams of Terrell, Wilson, Young.

Those who voted in the negative were Messrs :

Alexander, Billups, Boggs, Briscoe, Burnett, Carter of Elbert, Chester, Cloud, Collier, Cooper, Cook, Evans, Fulton, Grice, Harvin, Hill of Troup, Holt, Ivey, Jamison, Johnson of Clayton, Johnson of Cass, Lawton, Lenoir, Lookhart, Mathews, Merrill, McDuffie, McGehee, McRae, Morris, Oliver, Paine, Poole, Printup, Pruitt, Quillian, Riley, Roberts, Sawyer, Seward, Sirman, Smith of Hancock, Sturges, Sweat, Tracy, Ward, Williams of Berrien, Wynne.

So the amendment prevailed.

On motion of Mr. Collier the bill was indefinitely postponed.

The Senate took up as the report of the Committee of the Whole.

A bill to be entitled an act to abolish the usury law now of force in this State so far as relates to promises in writing, when the rate of interest is expressed in the written promise to pay.

Mr. Seward moved to amend the report by adding the following as an additional section : "*And be it further enacted,* That this act shall be so construed that a continual rate of interest, not exceeding ten per cent per annum may be collected, when expressed in the face of the note, bill, bond or other instrument in writing, which was agreed to.

Pending the consideration of which the hour of adjournment having arrived the President adjourned the Senate until 3 o'clock P. M.

3 O'CLOCK P. M.

The Senate resumed the consideration of the unfinished business of the morning, which was:

A bill to be entitled an act to abolish the usury law now of force in this State so far as relates to promises in writing when the state of interest is expressed in the written promise to pay.

The report as amended was agreed to.

Upon the question "shall this bill now pass?" the yeas and nays were required to be recorded and were yeas 38 nays 50,

Those who voted in the affirmative were Messrs.

Barclay, Burnett, Cannon, Chester, Cloud, Collier, Cook, Cone, Evans, Fulton, Glover, Hall, Harris of Dougherty, Harvin, Head, Hill of Troup, Holt, Johnson of Clayton, Jordan, Lawton, Lenoir, Mathews, Merrell, McRea, Morris, Oliver, Pruitt, Riley, Roberts, Seward, Sheppard, Smith of Hancock, Smith of Talbot, Sturges, Tarver, White, Whitehurst, Wynne.

Those who voted in the negative were Messrs:

Allred, Atkinson, Batts, Billups, Boggs, Bond, Brown, Byars, Cooper, Crittenden, Denham, Donaldson, Gartrell, Green, Grier, Griffin of Brooks, Hackett, Hart, Harris of Worth, Higower, Hill of Wilkes, Hines, Hood, Hutchins, Hyde, Ivey, Jamison, Jones, Kirby, Lockhart, Lott, Maddox, Maples, Moore of Whitfield, Poole, Quillian, Reid of Taliaferro, Shellnut, Sirman, Snell, Stowers, Summerour, Sweet, Usry, Whitworth, Williams of Berrien, Williams of Rabun, Williams of Terrell, Wilson, Young.

So the bill was lost.

The Senate took up as the report of the Committee of the whole:

A bill to be entitled an act to provide for the citizens of Decatur county, to cross Flint River, at or near Bainbridge free of tollage.

The report was agreed to.

Upon the question "shall this bill now pass?" the yeas and nays were recorded, and were yeas 51, nays 37.

Those who voted in the affirmative, were Messrs.

Allred, Batts, Billups, Boggs, Bond, Brown, Cannon, Chester, Colker, Cooper, Cook, Cowen, Crittenden, DeLaperriere, Denham, Evans, Fulton, Gattrell, Glover, Grice, Griffin of Brooks, Harvin, Head, Hines, Holt, Hood, Jamison, Johnson of Clayton, Johnson of Cass, Lawton, Maples, Morris, Printup, Pruitt, Riley, Ritch, Sawyer, Shellnut, Sheppard, Smith of Hancock, Smith of Tallot, Sturges, Tarver, Usry, Wallace, Ward, White, Whitehurst, Whitworth, Williams of Terrell, Wymé.

Those who voted in the negative, were Messrs.

Atkinson, Barclay, Byars, Donaldson, Green, Hackett, Hall, Hart, Harris of Dougherty, Harris of Worth, Hill of Wilkes, Hutchins, Hyde, Ivey, Jones, Jordan, Kirby, Lenoir, Lockhart, Lott, Maddox, Mathews, Merrill, Moore of Whitfield, Oliver, Poole, Quillian, Reid of Taliaferro, Robinson, Roberts, Seward, Sirman, Snell, Sweat, Williams of Berrien, Williams of Rabun, Young.

So the bill was passed.

The Senate took up, as the report of the Committee of the Whole,

A bill to be entitled an act for the relief of William S. Rackly, and Eliza A. Rackly.

The report was agreed to, the bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole,

A bill to be entitled an act to change the line between the counties of Whitfield and Catposa.

The report was agreed to, the bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole,

A bill to be entitled an act for the relief of certain persons therein mentioned.

The report was agreed to, the bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole,

A bill to be entitled an act to require the Ordinary of Worth county to pay Isaac R. Porter's account against said county for tuition of poor children in said county.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the Committee of the Whole,

A bill to be entitled an act to incorporate the Mutual Insurance Company of Atlanta.

Mr. Collier moved to amend the report by adding the following as an additional section,

Be it further enacted, That this charter and all the privileges and powers herein granted shall continue for the full term of twenty-five years, which was agreed to.

The report as amended was agreed to. The Bill was read the third time and passed.

Leave of absence was granted Mr. Kirby, after Monday next on account of the indisposition of his family.

Leave of absence was granted Mr. Usry after to-morrow, on special business.

Leave of absence was granted Mr. Cloud on account of the indisposition of his family.

Leave of absence was granted Mr. Jordan after to-morrow on special business.

Leave of absence was granted Mr. Donaldson, for a few days after to-morrow on special business.

Leave of absence was granted Mr. Sirman after Monday next on special business.

Leave of absence was granted Mr. Tillman after to-morrow on special business.

The Senate took up as the report of the committee of the Whole,

A bill to be entitled an act to confer certain privileges on Charles Greene.

The report was agreed to, the bill was read the third time and passed.

Leave of absence was granted Mr Turner on account of indisposition.

The Senate took up as the report of the committee of the Whole,

A bill to be entitled an act to compel Justices of the Peace in the county of Rabun, to give bond and security, and for other purposes.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole,

A bill to be entitled an act to lay out and organize a new county out of the counties of Columbia, Jefferson, Warren and Glascock, and to organize the same.

On motion the same was postponed indefinitely.

Mr. Paine from the committee on enrollment reported as duly enrolled, signed by the Speaker of the House of Representatives and ready for the signature of the President of the Senate.

An act to amend an act entitled an act to incorporate the

Orphans Home of Protestant Episcopal Church in Chatham county, and for other purposes therein named.

Also, an act to incorporate the town of Thomson in the county of Columbia, and for other purposes therein mentioned.

The Senate took up the report of the committee of the Whole,

A bill to be entitled an act to make a party to a suit who has no interest in the same, a competent witness on the trial of the same, &c.

On motion the same was postponed indefinitely.

The Senate took up as the report of the committee of the Whole,

A bill to be entitled an act to require in all cases the names of secret prosecutors to be endorsed upon bills of indictment and presentments of Grand Juries.

On motion the same was indefinitely postponed.

The Senate took up as the report of the committee of the Whole,

A bill to be entitled an act to amend an act approved 19th February, 1856, relative to the support of widows and orphans, from the estate of their deceased husbands and parents, and for other purposes.

On motion the same was postponed indefinitely.

The Senate took up as the report of the committee of the Whole,

A bill to be entitled an act to authorize the Inferior Courts of this State, to fix the Tax on all public shows and exhibitions, &c.

Mr. Cook moved to amend the report as follows :

Provided, That said tax shall not be less than twenty dollars nor more than one hundred dollars for each day they may exhibit in each county.

Mr. Merrill, moved further to amend the report by inserting five instead of fifty dollars, which was lost.

Mr. Merrill moved further to amend by striking out fifty dollars and inserting twenty dollars, which was agreed to.

Mr. Gartrell moved further to amend the report by striking out hereafter and inserting 1st January next, which was agreed to.

On motion the bill was postponed indefinitely.

The Senate took up as the report of the committee of the Whole,

A bill to be entitled an act to incorporate the Georgia and Alabama Railroad Company, and to grant certain powers and privileges to the same, and for other purposes, approved Feb. 18th, 1854.

The report was agreed to, the Bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole,

A bill to be entitled an act to consolidate the offices of Clerk of Superior and Inferior Court of the county of Chattooga.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole,

A bill to be entitled an act to amend an act entitled an act, to incorporate a Bank in the city of Savannah, to be called the Timber Cutters Bank, approved February 26th, 1856.

On motion the same was laid on the table for the present.

The Senate took up as the report of the committee of the Whole,

A bill to be entitled an act to legalize the adjournment of Quitman Superior Court.

The report was agreed to. The bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole,

A bill to be entitled an act to amend an act to incorporate the Indian Spring Railroad Company, approved January 22d, 1852.

Mr. Byars moved to amend the report by inserting the names of A. W. Wheeler and John G. Park, which was agreed to.

The report as amended was agreed to, the Bill was read the third time and passed.

The Senate took up as the report of the Committee of the whole,

A bill to be entitled an act to repeal an act entitled an act to consolidate the office of Tax Collector and Receiver of Tax Returns for the county of Haralson, assented to, Dec. 15th, 1855.

The report was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole,

A bill to be entitled an act to amend the act incorporating the town of Lumpkin in Stewart county, and for other purposes.

Mr. Moore of Whitfield, moved to amend the report by adding the following :

Be it further enacted, That the Mayor and Council of the city of Dalton, be authorized to receive and demand for license to retail spirituous liquors within the limits of said

corporation any sum not exceeding five hundred dollars, which was agreed to.

The report as amended was agreed to, The bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole,

A bill to be entitled an act to incorporate the Alabama Planters Steamboat Company, and to grant to said Company certain powers therein specified.

Mr. Printup moved to amend the report by inserting the names of Daniel S. Printup, George P. Burnett, W. J. Bennett, F. M. Hardwick, W. W. Anderson and Gideon E. Coats in the first section of the act.

And be it further enacted, That the present organization of the Company aforesaid, to-wit: The Alabama Planters Steam Boat Company and Oostanaula Steamboat Company, be and they are hereby declared legal and valid, subject to the provisions of this act, and that the caption be amended to suit this act, which was adopted.

The report as amended was agreed to, The bill was read the third time and passed.

The Senate took up as the report of the Committee of the Whole.

A bill to be entitled an act to alter and amend an act to regulate the granting of retail license and sale of spirituous liquors, assented to the 29th December, 1838, so far as relates to the city of Americus.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the Committee of the Whole.

A bill to be entitled an act to give to the commissioners appointed by the Inferior Court of Calhoun, to examine teachers and give them the power to decide upon their qualifications.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the Committee of the Whole,

A bill to be entitled an act to compel non-residents in Charlton county, to pay taxes, &c., on land therein.

On motion the same was indefinitely postponed.

The Senate took up as the report of the Committee of the Whole,

A bill to be entitled an act to incorporate the Pulaski Insurance Company of Hawkinsville Georgia.

Mr. Jordan, moved to amend the report by adding the following :

And be it further enacted, That this charter and all privi-

leges and provisions herein granted, shall continue in force for the full term of twenty years, which was agreed to.

Mr. Jones, moved further to amend the report by adding the following :

And be it further enacted, That said corporation shall not insure at any one time more than the amount of the capital stock, which was agreed to.

The report as amended was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole.

A bill to be entitled an act to amend and interpret an act approved March the 5th 1856, relative to the payment of accounts of teachers of poor children,

The report was agreed to. The bill was read the third time and passed.

The Senate took up as the report of the Committee of the whole.

A bill to be entitled an act to amend an act entitled an act to provide for the education of children of this State, between certain ages and to provide an annual sinking fund for the extinguishment of the public debt, so far as relates to the county of Fannin.

The report was agreed to, the bill was read the third time and passed.

The hour of adjournment having arrived, the President adjourned the Senate until 7 o'clock P, M,

SEVEN O'CLOCK, P. M.

The Senate met according to adjournment.

The Senate took up the following bills of the House of Representatives, which were severally read the first time :

A bill to be entitled an act to increase the duties of the Comptroller General, and to provide compensation for the same, and other purposes therein named.

Also, a bill to be entitled an act to change the county lines between the counties of Milton and DeKalb, and Milton and Gwinnett, and define the lines between the counties of Early and Miller.

Also, a bill to be entitled an act for the relief of John T. Martin, of the county of Hancock.

Also, a bill to be entitled an act to alter and amend an act to amend an act pointing out the mode of collecting a certain description of debts therein mentioned; approved

December 19th, 1818, and to extend the provisions of the same, so as to embrace corporations; approved Dec. 11th, 1858.

Also, a bill to be entitled an act to amend an act to regulate toll bridges, ferries, and turnpike roads; approved December 22d, 1808, and to prescribe certain penalties for violation of said act.

Also a bill to be entitled an act to alter and amend the law of descendants in cases of persons who are illegitimate, or born out of lawful wedlock dying intestate.

Also a bill to be entitled an act to prescribe the time for the State Printer to finish the Acts and Journals, and for other purposes therein mentioned.

Also, a bill to be entitled an act for the relief of the heirs of Everett Wells, deceased.

Also, a bill to be entitled an act to amend the Judiciary Act of Georgia, so far as relates to the county of McIntosh, and to require Magistrates in this State to consolidate suits brought at the same between the same parties, if the aggregate do not exceed fifty dollars.

Also, a bill to be entitled an act to protect and quiet the possession of lands, and to prevent persons from keeping possession of lands against their landlords after the termination of the case or term of suit, under which such persons may enter upon land, and for other purposes.

Also, a bill to be entitled an act to fix the pay of the Guard of the State Penitentiary for the future.

Also, a bill to be entitled an act to confer certain powers upon Juries at law.

Also, a bill to be entitled an act to alter and amend the claim laws of this State, and for other purposes therein mentioned.

Also, a bill to be entitled an act to prevent and make penal the betting on elections.

Also, a bill to be entitled an act to prevent minors from selecting a new guardian at their own option upon arriving at fourteen years of age, and for other purposes.

Also, a bill to be entitled an act to repeal the first, second and third sections of an act to prescribe certain rules and regulations, to be observed by the several Rail Road Companies in running engines upon their respective tracks, and annex a penalty for a violation of the same; approved January 22d, 1852, and to substitute two sections in lieu of said second and third sections.

The following Message was received from the House of Representatives by Mr. Diamond their Clerk :

Mr. President: The House of Representatives have passed the following bill of the Senate :

A bill to incorporate the town of Warrenton, in Warren county, and to amend the charter of the city of Atlanta, and for other purposes, and have directed me to transmit the same to this branch of the General Assembly.

The Senate took up the following bills of the House of Representatives, which were severally read the second time, and referred to the committee of the Whole:

A bill to be entitled an act to amend an act entitled an act to amend the road laws of this State, so far as respects the county of Cherokee, and to amend the several acts regulating road laws in this State, so far as respects the operation of said acts in the county of Bryan.

Also, a bill to be entitled an act to authorize the Justices of the Inferior Court of Cobb county, to levy an extra tax for the purpose of building a jail in said county, and for other purposes therein mentioned.

Also, a bill to be entitled an act for the relief of Joseph White, of the county of Jackson.

Also, a bill to be entitled an act to incorporate the town of Fort Gaines, in the county of Clay, to define its jurisdictional limits, and for other purposes therein mentioned.

Also, a bill to be entitled an act to allow persons to make a return of their taxable property to the Clerk of the Superior Court in certain cases, and for other purposes therein mentioned.

Also, a bill to be entitled an act to alter the time of holding the election of Receivers of Tax returns and Tax Collectors in this State, to prescribe the mode in which they shall give bond, and the mode in which the office of Receiver of Tax Returns may be declared vacant.

Also, a bill to be entitled an act to change the penalty prescribed in the third section of an act entitled an act, to prohibit the sale of deadly weapons, and to prescribe the manner of carrying the same, and to punish for a violation of the same, and to repeal an act entitled an act to guard and protect the citizens of this State against the unwarranted and too prevalent use of deadly weapons; assented to the 25th of December, 1837; approved the 12th of January, 1852, and for other purposes.

Also, a bill to be entitled an act for the relief of Cornelius Hibberts, of the county of Fulton.

Also, a bill to be entitled an act to repeal the 7th and 9th sections of an act entitled an act to incorporate the village of Chickasawhatchee, in formally Lee, now Terrell county, and to add an additional section to said act, and for other purposes therein mentioned.

Also, a bill to be entitled an act to declare certain words as slanderous, actionable *per se*, and for other purposes.

Also, a bill to be entitled an act to add another section

to the seventh division of the Penal Code of this State, and for other purposes therein mentioned.

Also, a bill to be entitled an act to change and fix the times of holding the Superior Courts of the county of Randolph.

Also, a bill to be entitled an act to exempt from levy and sale certain property therein mentioned, and to provide a mode of securing the same to the wife and children, or wife or child, or children, and for other purposes.

Also, a bill to be entitled an act to prevent free negroes and slaves from keeping eating tables, and from living separate and apart from their owners, hirers or guardians, and to prevent their trafficking in the town of Crawfordville and the town of Warrenton in this State, and to prescribe punishment for the same, and for other purposes.

Also, a bill to be entitled an act to alter and change the name and style of the Mechanics Savings Bank, to the corporate name and style of the Farmers and Mechanics Bank and for other purposes connected with said change of name and style.

Also, a bill to be entitled an act to endow Florence E. Winn, a minor of Liberty county, Georgia, with all the rights and privileges of majority.

Also, a bill to be entitled an act for the relief of Charles J. Oliver, of Clarke county.

Also, a bill to be entitled an act to define certain duties of the several Rail Road agents in this State, and for other purposes therein mentioned.

Also, a bill to be entitled an act to incorporate a volunteer corps of artillery in the town of Athens, and to grant unto it certain privileges.

Also, a bill to be entitled, an act to declare the law in regard to deeds to land made during adverse possession.

Also, a bill to be entitled an act to amend an act approved the 20th of March, 1854, in relation to patrols, and for other purposes, so far as the same relates to the county of Richmond.

Also, a bill to be entitled an act to incorporate the Baptist Church at the head of Tennessee, in the county of Rabun, and to appoint Trustees for the same.

Also, a bill to be entitled an act to charter the Central Insurance Company of Georgia, and to confer on said company certain rights, powers and privileges, and for other purposes.

A bill to be entitled an act to change the line between the counties of Irwin and Berrien, and also between the counties of Macon and Dooly.

Also, a bill to be entitled an act to amend the second section of an act entitled an act, to provide against the forfeiture of the several Bank Charters in this State, on account

of non-specie payment for a given time, and for other purposes therein named, passed 22d December, 1857.

Also, a bill to be entitled an act for the relief of Andrew J. Lovelady, of the county of Pickens, and for other purposes.

Also, a bill to be entitled an act to facilitate the rendition of judgments against Sheriffs and their securities.

Also, a bill to be entitled an act to incorporate the volunteer corps of Infantry in the city of Greensboro, and also a volunteer corps in Covington and Monroe, in the county of Walton, and to grant unto them certain privileges.

Also, a bill to be entitled an act for the relief of D. M. and G. W. Smith and their securities from a certain bond, and for other purposes.

Also, a bill to be entitled an act to prevent the peddling of spirituous liquors in Greene, Henry, Sumter, Laurens, Early, Troup, Houston, Lincoln, Clay, Wilkes, Dooley, Chatahoochee, Stewart, Glasscock, Colquitt, Warren, Webster Terrell, Jefferson, Monroe, Burke, Newton, Glynn, and Teliaferro counties.

Also, a bill to be entitled an act to empower the Justices of the Inferior Courts, or a majority of them of Wayne county. to levy an extra tax for the purpose of building and erecting a bridge across the Big Buffalo, near Sheffield's old mills, and for other purposes therein mentioned.

Also, bill to be entitled an act to protect the holders of bills of exchange on drafts drawn and accepted, on account of shipments or transfers of cotton, and to punish those who fraudulently violate their contracts of acceptance, or misapply the cotton received by them, or its proceeds.

Also, a bill to be entitled an act for the relief of Francis Daniel, Sheriff of the county of Dade.

Also, a bill to be entitled an act for the encouragement of fire companies in the city of Augusta, and to exempt certain members from jury duty, and other purposes.

Also, a bill to be entitled an act to provide for a call of a Convention to reduce the members of the General Assembly of the State of Georgia, and to make such other alterations in the Constitution, as they may deem essential, and for other purposes.

On motion the same was made the special order for Monday next.

The following Message was received from the House of Representatives by Mr. Diamond, their Clerk :

Mr. President : The House of Representatives have passed the following bill, viz :

A bill to appropriate money for the support of Govern

ment for the political year 1860, and for other purposes, and have directed me to transmit the same forthwith to this branch of the General Assembly.

On motion of Mr. Bartlett the rules were suspended, and the Senate took up the following bill of the House of Representatives, which was read the first time :

A bill to be entitled an act to appropriate money for the support of Government for the political year 1860, and to make certain special appropriations, and for other purposes therein named.

On motion of Mr. Collier the rules were suspended, and the Senate took up as the report of the committee of the Whole, the following bill of the House of Representatives :

A bill to be entitled an act to protect the legacy left by the last will and testament of William D. Martin, deceased, for the benefit of the society at Jefferson, Jackson county, Georgia, of the Methodist Episcopal Church South, and for other purposes.

The report as amended was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole, the following bills of the House of Representatives.

A bill to be entitled an act to repeal an act to amend the road laws of this State so far as relates to the county of Coffee.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole, the following bill of the House of Representatives :

A bill to be entitled an act for the relief of J. E. McMullen, of Echols county.

The report was agreed to.

The bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole, the following bill of the House of Representatives :

A bill to be entitled an act for the relief of Reuben Cloud of Decatur county.

Mr. Collier moved to amend the report by adding the following as an additional section :

The General Assembly do further enact, That the sum of thirteen dollars and thirty-two cents be, and the same are hereby appropriated for the payment of a double tax to Mrs. Nancy Waddail, of the county of Fulton, and his Excellency the Governor be, and he is hereby authorized to draw

his warrant on the Treasury for the same in her favor, which was agreed to.

The report as amended was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the Committee of the Whole, the following bill of the House of Representatives :

A bill to be entitled an act to incorporate an Insurance Company, in the city of Columbus, to be called the Georgia Home Insurance Company.

Mr. Lawton moved to amend the report by adding additional sections, incorporating the Oglethorpe Insurance Company of Savannah, which was agreed to.

Mr. Lawton moved further to amend the report by adding the following words to the eighth section of said bill.

“And the stockholders shall be individually liable for the debts of the corporation in proportion to the number of shares of stock owned by each, which was agreed to.

Mr. Lawton moved further to amend the report by striking out of the ninth section all after the word “sixty” in said section.

The report as amended was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, the following bill of the House of Representatives :

A bill to be entitled an act to incorporate the town of Bowden, in the county of Carroll, and for other purposes therein mentioned.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of whole, the following bill of the House of Representatives :

A bill to be entitled an act to incorporate the town of Dawsonville, in the county of Dawson, in this State, and for other purposes.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, the following bill of the House of Representatives:

A bill to be entitled an act to alter and amend the road laws of this State, so far as relates to the counties of Cherokee and Columbia.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, the following bill of the House of Representatives :

A bill to be entitled an act for the relief of Mary Frances Newnan, in the county of Bibb, and for other purposes.

The report was agreed to, the bill was read the third time and passed.

Leave of absence was granted Mr. Harvin, after Wednesday next, on special business.

Leave of absence was granted Mr. Griffin of Twiggs, after to-morrow.

Leave of absence was granted Mr. Cook after to-morrow.

Leave of absence was granted Mr. Sweat on special business.

The hour of adjournment having arrived, the President adjourned the Senate until 9 o'clock to-morrow morning.

SATURDAY, DECEMBER, 10th, 1859.

9 O'CLOCK, A. M.

The Senate met, according to adjournment.

Mr. Brown moved to reconsider so much of the Journal of yesterday, as relates to the vote by which,

A bill, to be entitled an act the better to secure and protect the rights of married women, and for other purposes, was indefinitely postponed, which was agreed to.

Mr. Jordan moved to re-consider so much of the Journal of yesterday, as relates to the vote by which,

A bill, to be entitled an act to abolish the usury laws now in force in this State, so far as relates to promises in writing, when the rate of interest is expressed in the written promise to pay was lost, which was agreed to.

Mr. Poole moved to re-consider so much of the Journal of yesterday, as relates to the vote by which,

A bill, to be entitled an act to require in all cases the names of secret prosecutorr, to be indorsed upon bills of indictment and presentments of Grand Juries, was indefinitely postponed, which was lost.

Mr. Printup moved to re-consider so much of the Journal of yesterday, as relates to the vote by which,

A bill, to be entitled an act to facilitate the collection of fi fas, was indefinitely postponed, which was lost.

The Senate took up, as the report of the Committee of the Whole,

A bill, to be entitled an act to define and specify what fees the Sheriff of this State shall hereafter be entitled to, in certain cases.

The report was agreed to,
Upon the question, shall this bill now pass? the yeas and nays were recorded, and were yeas 19, nays 73.

Those who voted in the affirmative, were Messrs.

Chester, Green, Hall, Hyde, Johnson of Clayton, Matthews, Merrill, Morris, Oliver, Poole, Printup, Pruitt, Reid of Taliaferro, Riley, Roberts, Shellnut, Sheppard, Williams, of Terrell.

Those who voted in the negative, were Messrs.

Alexander, Allred, Barclay, Barrow, Batts, Billups, Boggs, Briscoe, Brown, Burnett, Byars, Carter of Echols, Carter of Elbert, Collier, Cooper, Cone, Crittenden, Davis, Delaperriere, Donaldson, Evans, Flewellen, Fulton, Gartrell, Glover, Green, Grice, Griffin of Brooks, Hackett, Harris of Dougherty, Harris of Worth, Harvin, Head, Hightower, Hill of Wilkes, Hines, Hood, Hutchins, Ivey, Jamison, Johnson of Cass, Jones, Kirby, Lenoir, Lockhart, Lott, Maddox, Maples, McDuffie, McGehee, McRae, Quillian, Ritch, Robinson, Rushin, Sawyer, Shelton, Sirman, Snell, Stowers, Sturges, Summerour, Sweat, Tarver, Tatum, Usry, Wallace, Ward, White, Whitworth, Williams of Berrien, Williams of Rabun, Wilson, Wynne, Young.

So the bill was lost.

The Senate took up as the report of the Committee of the Whole,

A bill, to be entitled an act to authorize parties in suits at law, and in equity, in the Superior Courts of this State, to tax the cost of witnesses against the parties cast in such suits.

The committee on the Judiciary, to whom said bill was referred, reported against its passage, and the bill was lost.

The Senate took up, as the report of the Committee of the Whole,

A bill, to be entitled an act to amend the claim laws of this State.

The committee on the Judiciary, to whom said bill was referred, reported against its passage.

Mr. Cone called for the previous question, which was seconded.

The main question was ordered to be put, which agreeing to the report,

The report was agreed to, and the bill was lost.

The Senate took up, as the report of the Committee of the Whole,

A bill, to be entitled an act to authorize Ordinaries of this

State, to act as Executors, Administrators and Guardians in certain cases.

The committee on the Judiciary, to whom said bill was referred, reported against its passage.

The report was agreed to, and the bill was lost.

The following message was received from the House of Representatives, by Mr. Diamond, their Clerk :

Mr. President : The House of Representatives have passed the following bill of the Senate :

A bill, to amend the Judiciary of this State, and to direct the manner of making Trustees parties to all suits pending, or hereafter to be commenced, in this State.

Also a bill, to incorporate the Polk Slate Quarry Rail Road Company.

Also a bill, to authorize the construction of a Rail Road from Barnesville to Brunswick, and for other purposes.

Also a bill, to incorporate a Bank in the city of Rome, to be called the Bank of Rome, &c.

Also a bill, to change the time of holding the several elections in this State, and for other purposes.

Also a bill, to incorporate the Planters' Rail Road Company, and for other purposes.

Also a bill, to amend an act, approved March 5th, 1856, entitled an act to authorize persons to submit controversies to arbitration, &c.

Also a bill, to amend an act entitled an act to regulate the granting of new trials, approved 20th February, 1854.

Also, a bill, to amend an act in relation to the education of children between certain ages, assented to 11th December, 1858, so far as relates to the county of Hall.

Also a bill, to incorporate the town of Perry, in Houston county, and for other purposes.

Also a bill, to amend the charter of the city of Griffin.

The House have also concurred in the amendments of the Senate to the following bills of the House :

A bill, to incorporate the Bainbridge Volunteers, and for other purposes.

A bill, to incorporate a Volunteer Corps of Infantry in the town of Fort Valley.

A bill to add another section to the act incorporating the town of Dahlonega.

A bill, to allow Stephen Williams of Pierce county, and John Taylor, of Ware county, to peddle without paying for license.

The House have passed the following bills :

A bill, to apportion the Representatives among the sever-

al counties of this State, according to the requirements of the Constitution.

And a bill, to add land lot number three hundred and forty-five, in the thirteenth District of Thomas, to the county of Colquitt.

The House have agreed to the following resolutions :

A resolution, providing a remedy, for the inconveniences likely to arise from the illness of the Treasurer of the State, in which they ask the concurrence of the Senate.

Also a resolution, to extend the time allowed by law to the Commissioners elected to codify the laws of Georgia, and to appoint a joint committee of the Senate and House of Representatives, to meet said Commissioners before the next session of the Legislature, and have appointed as such committee, on the part of the House, Messrs. Lester, Pannin, of Morgan, Hartridge, Broyles, Delony, Williams, of Muscogee, Lewis, of Green, Anderson, and I. T. Irwin, Speaker of the House, and ask the concurrence of the Senate in the same.

The Senate took up, as the report of the Committee of the Whole,

A bill, to be entitled an act to amend an act to amend the rent laws of this State, approved December 24th, 1847, and for other purposes.

On motion, the same was laid on the table for the balance of the session.

On motion of Mr. Sturges, the Senate took up the special order, which was,

A bill, to be entitled an act to amend the several acts now of force, prescribing the mode of electing the municipal and other officers of the city of Augusta, and for other purposes therein named.

On motion of Mr. Sturges, the same was laid on the table subject to his call.

The Senate took up, as the report of the Committee of the Whole,

A bill, to be entitled an act to alter and amend the eleventh section of the third article of the Constitution.

The committee on the Judiciary, to whom this bill was referred, reported against its passage, and the bill was lost.

On motion of Mr. Lawton, the rules were suspended, and the Senate took up the following bill of the Senate, which had been amended by the House of Representatives, to-wit :

A bill, to be entitled an act to incorporate the Planters' Rail Road Company, and for other purposes.

On motion, the amendment was concurred in.

The Senate took up the following bill of the Senate, which had been amended by the House of Representatives.

A bill, to be entitled an act to incorporate the town of

Perry, in Houston county, and extend the limits of the same, and for other purposes.

On motion, the amendment was concurred in.

The Senate took up the following bill of the Senate which had been amended by the House of Representatives:

A bill, to be entitled an act to incorporate the Polk Slate Quarry Rail Road Company, and for other purposes.

On motion of Mr. Gartrell, the amendment was concurred in.

The Senate took up the following resolution of the House of Representatives:

Resolved by the General Assembly, That the time now allowed for the completion of the code of Georgia, by the Commissioners appointed for that purpose, be extended until the first day of November next, and that a joint committee of thirteen be appointed, composed of eight members of the House of Representatives, and five members of the Senate, who shall be required to meet said Commissioners at the Capitol, in Milledgeville, at least twenty days before the meeting of the next session of this General Assembly, for the purpose of revising and fully examining the said code, and said joint committee shall report the result of their investigations to the next ensuing session of this General Assembly.

Committee appointed under the above resolution, are Messrs. Lester, Fannin, of Morgan, Hartridge, Broyles, Deloney, Williams, of Muscogee, Lewis, of Greene, Anderson, Hon. I. T. Irvin, Speaker of the House of Representatives.

Mr. Printup moved to amend the foregoing resolution, by striking out the word November, and inserting December, which was agreed to.

The resolution as amended, was concurred in.

The Senate took up the following resolution of the House of Representatives:

Whereas, Mr. John B. Trippe, Treasurer of the State of Georgia, has by a stroke of Paralysis, been temporarily disabled from attendance at the Treasury, and the discharge of those duties pressing upon that office, towards the close of every session of the Legislature; to obviate the inconvenience growing out of the present inability of the Treasurer to make payment at the Treasury, and especially those upon the President's and Speaker's warrants,

Be it Resolved, by the Senate and House of Representatives, That Richard L. Hunter, Agent of the Bank of Savannah, at Milledgeville be requested to pay the warrants aforesaid, upon audited certificates of the auditing committee of the Legislature, out of any deposits in the said Bank Agency, belonging to the State of Georgia, and that this Legislature, with His

Excellency the Governor, will cause him to be re-imbursed any and all amounts of money paid out by him, beyond such deposits made in accordance with such certificates and warrants.

On motion, the same was concurred in.

On motion of Mr. Cone, the following resolution was taken up, read and agreed to.

Resolved, That Wm. A. Harris, Wm. W. Paine and L. H. Briscoe, be a committee to adjust, and bring up the unfinished business of the present session, and that they receive three days pay therefor.

The Senate took up as the report of the committee of the whole,

A bill to entitled an act to amend the 10th section of the 10th Division of the penal laws of this State.

Mr. Morris moved to amend the report by substituting the following in lieu of the original bill.

A bill to be entitled an act to explain the 10th section of the 10th Division of the penal code of this State, which was adopted.

The report, as amended, was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the Committee of the whole :

A bill to be entitled an act to change the lines of Butts and Henry counties.

The report was agreed to, the bill was read the third time, and passed.

The Senate took up, as the report of the Committee of the Whole,

A bill to be entitled an act to define and enlarge the duties of county Treasurers.

The Senate took up as the report of the committee of the Whole,

The report was agreed to, the bill was read the third time and passed.

A bill to be entitled an act to alter and amend the law of descent in cases of persons who are illegitimate or born out of lawful wedlock, dying intestate.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole,

A bill to be entitled an act to authorize Justices of the Inferior Court of Coffee county to levy an extra tax, &c.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole,

A bill to be entitled an act to consolidate and amend the

several acts incorporating the town of Cartersville in the county of Cass.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole,

A bill to be entitled an act for the relief of James Brooks and John H. Jones of Randolph county.

Mr. Johnston of Clayton moved to amend the report by adding the following additional section.

Be it further enacted, That Berry Chapman of Clayton county a lame man, be, and he is hereby authorized to peddle free of license for the same, in the county of Henry, Clayton and Fayette, which was adopted.

Mr. Holt moved further to amend the report by adding the following section :

And be it further enacted, That Noah Gordy of the county of Muscogee, be, and he is hereby authorized to peddle in said county of Muscogee under the provisions of this act, which was adopted.

Mr. Harris of Dougherty, moved further to amend the report, by adding the following section.

And that John M. Brack, of Dougherty county be entitled to peddle in said county, under the restrictions of this act, which was agreed to.

Mr. McLeod moved further to amend the report by adding the following section.

And be it further enacted by the authority of the same, That Jordon Flounders, of the county of Emanuel be entitled to the benefits of this act in the county of Emanuel by complying with the provisions thereof, which was agreed to.

The report as amended was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to incorporate a corps of Infantry in the town of Jonesboro, in the county of Clayton, to be known as the Clayton Volunteers, and to confer certain privileges, &c.

The report was agreed to, the bill read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to amend the act to organize a Volunteer Battalion in the city of Savannah, to be called the Independent Volunteer Battalion of Savannah, approved January 20th, 1852.

The report was agreed to, the bill read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to provide compensation for the Petit Jurors of Mitchell county, and for other purposes.

Mr. Maples moved to amend the report, by adding the following as an additional section :

Be it further enacted, That the Justices of the Inferior court of said county of Mitchell, be, and they are hereby authorized and empowered to levy an extra tax not to exceed twenty-five per cent on the State tax, or so much as may be sufficient to raise funds to pay the Petit Jury of said county, one dollar and a quarter per day to each Juror, and that all verdict money be paid to the county Treasury, and constitute a part of Jury fund of said county, which was agreed to.

The report as amended was agreed to, the bill was read the third and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to repeal the second section of an act entitled an act to repeal the nineteenth section of an act entitled an act to incorporate a bank in the city of Atlanta to be called the Bank of Fulton, and for other purposes therein named.

The report was agreed to, the bill was read the third time and passed.

The Senate took up, as the report of the committee of the whole,

A bill to be entitled an act to incorporate the county site of Banks, appoint commissioners for the same and for other purposes therein specified.

Mr. Prewitt moved to amend the report by offering the following as a substitute for the original bill.

A bill to be entitled an act to incorporate the town of Homer, in the county of Banks, and appoint commissioners for the same, and for other purposes therein specified, which was adopted.

The report as amended was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act amendatory of the act of 1857, entitled an act, to provide against the forfeiture of the several Bank charters in the State, on account of non-specie payment for a given time, and for other purposes therein named, and declaratory of the true meaning of certain sections of the same.

Mr. Paine moved to amend the report, by adding the following proviso :

Provided, The exchange purchased or sold, shall be *bona fide* and legitimate, and not required by the Bank to be placed in the form of exchange, when a simple accommodation loan is intended or asked for, which was agreed to.

The report as amended, was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to amend the several acts incorporating the town of Cartersville in Cass county, so as to exclude the residence of James Milner, out of the corporate limits of said town.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to extend the civil Jurisdiction of the Justices of the Peace in that part of the county of Chatham embraced within the city of Savannah.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to amend the Habeas Corpus laws of this State.

Mr. Oliver moved to amend the report by adding the following proviso :

Provided, That the provisions of this act shall not apply to cases not bailable by the laws of this State.

Upon agreeing to which the yeas and nays were recorded and were yeas 56, nays 27.

Those who voted in the affirmative were Messrs.

Allred, Barrow, Billups, Bond, Byars, Chester, Collier, Cooper, Cone, Cowen, DeLaperriere, Flewellen, Fulton, Gartrell, Green, Grice, Griffin of Brooks, Harvin, Head, Hightower, Hill of Wilkes, Hines, Hood, Hutchins, Ivey, Jones, Lockhart, Maples, Matthews, Merrill, McRae, Morris, Oliver, Riley, Ritch, Robinson, Shellnut, Sheppard, Snell, Stowers, Sturges, Summerour, Tatum, Wallace, Ward, Wells, White, Whitworth, Williams of Berrien, Williams of Rabun, Williams of Terrell, Wilson, Wynne, Young.

Those who voted in the negative were Messrs.

Alexander, Bartlett, Batts, Boggs, Briscoe, Carter of

Echols, Carter of Elbert, Evans, Hackett, Hall, Harris of Dougherty, Harris of Worth, Holt, Jamison, Johnson of Clayton, Johnson of Cass, Kirby, Lenoir, Printup Pruitt, Reid of Morgan, Reid of Taliaferro Roberts, Rushin, Sirman, Smith of Hancock, Tarver.

So the motion prevailed.

On motion of Mr. Briscoe the bill and amendments was postponed indefinitely.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to repeal a part of the first section of the third article of the Constitution.

The report was agreed to.

Upon the question, shall this bill now pass? the yeas and nays were recorded, and were yeas 77, nays 19.

Those who voted in the affirmative were Messrs.

Alexander, Atkinson, Barclay, Barrow, Bartlett, Batts, Billups, Boggs, Briscoe, Brown, Cannon. Carter of Elbert, Chester, Collier, Cooper, Cone, Crittenden, Davis, DeLaperriere, Evans, Flewellen, Fulton. Gartrell, Glover, Grice, Hackett, Hall Harris of Dougherty, Harris of Worth, Harvin, Head, Hill of Wilkes, Hines, Holt, Hood, Hutchins, Jamison Johnson of Clayton, Johnson of Cass, Jonos, Kirby, Lawton, Lenoir, Lockhart, Moddox, Maples, Matthews, McGehee, McLeod, Moore of Whitfield, Morris, Paine, Poole, Printup, Pruitt, Reid of Morgan, Reid of Taliaferro, Roberts, Rushin, Shellnut, Sirman, Smith of Hancock, Snell, Stowers, Sturges, Sweat, Tatum, Usry, Wallace, Ward, White, Williams of Berrien, Williams of Rabun, Williams of Terrell, Wilson, Wynnt.

Those who voted in the negative, were Messrs.

Allred, Bond, Burnett, Cowen, Donaldson, Green, Griffin of Brooks, Hightower, Hyde, Merrill, McRae, Oliver, Quillian, Riley, Ritch, Sawyer, Sheppard, Whitworth, Young.

So the bill was passed by a Constitutional majority.

The Senate took up as the report of the Committee of the Whole,

A bill to be entitled an act to alter and amend the 1st section of the 3d article of the Constitution, as to the place or places of the sitting of the Supreme Court of this State.

The report was agreed to, upon the question shall this bill now pass the yeas and nays were required to be recorded, and were yeas 62, nays 30.

Those who voted in the affirmative, were Messrs :

Alexander, Atkinson, Barclay, Barrow, Bartlett, Billups, Boggs, Briscoe, Brown, Burnett, Carter of Echols, Carter of Elbert, Chester, Collier, Cooper, Crittenden, Davis, Evans, Flewellen, Fulton, Gattrell, Green, Grice, Hackett, Hall, Harris of Dougherty, Harris of Worth, Harvin, Head, Hill of Wilkes, Hines, Holt, Hood, Johnson of Clayton, Johnson of Cass, Jones, Kirby, Lawton, Lenoir, Lott, Maples, Matthews, McDuffie, McGehee, McLeod, McRae, Oliver, Paine, Printup, Reid of Morgan, Robinson, Rushin, Sawyer, Sheppard, Smith of Hancock, Snell, Sturges, Sweat, Tatum, Usry, Wallace, Ward, Wells, Williams of Rabun, Wynne.

Those who voted in the negative were Messrs.

Allred, Batts, Cone, Cowen, Donaldson, Glover, Griffin of Brooks, Hutchins, Hyde, Ivey, Lockhart, Maddox, Merrill, Moore of Whitfield, Morris, Poole, Pruitt, Quillian, Reid of Taliaferro, Riley, Roberts, Shellnut, Sirman, Stowers, Summerour, Tarver, Whitworth, Williams of Berrien, Williams of Terrell, Wilson, Young.

So there being a Constitutional majority in the affirmative the bill was passed.

The Senate took up as the report of the committee of the Whole,

A bill to be entitled an act to amend an act limiting the time in which suits in the Courts of law in this State, must be brought, and also, limiting the time in which indictments are to be found and prosecuted in certain cases, and for other purposes therein mentioned, approved March 6th, 1856.

The report was disagreed to, and the bill was lost.

Leave of absence was granted Messrs. Lott, Griffin of Twiggs, and Whitehurst for this day on special business.

Leave of absence was granted Mr. Ritch after Wednesday next, on special business.

On motion of Mr. Fulton the rules were suspended and the Senate took up as the report of the committee of the Whole,

A bill to be entitled an act to alter and amend an act to provide for the education of the children of this State, between certain ages, and to provide an annual sinking fund for the extinguishment of the public debt, assented to, Dec. 11th, 1858.

On motion of Mr. Bartlett, the same was made the special order for Monday next.

The Senate took up as the report of the committee of the whole:

A bill to be entitled an act to change the line between certain counties therein mentioned.

Pending the consideration of which, the hour of adjournment having arrived, the President adjourned the Senate until 3 o'clock P. M.

THREE O'CLOCK. P. M.

The Senate met according to adjournment.

The Senate resumed the consideration of the unfinished business of the morning, which was

A bill to be entitled an act to change the lines between certain counties therein named.

Mr. Alfred, moved to amend the report by adding the following as an additional section :

And be it further enacted, That lots of land No. 231 and 238, in the 13th district and 2d section of the county of Cherokee, whereon A. F. Honey and Shern Carney now resides, be and the same are hereby added to the county of Pickens, which was agreed to.

Mr. Shelton, moved further to amend the report by striking out so much of the bill as relates to White and Habersham counties, which was agreed to.

Mr. Denham, moved further to amend the report by adding the following as an additional section :

And be it further enacted, That the line between Clayton county and Fayette, be so changed as to include lots of land numbers 205, 206, 207, 208, 209, 210, 211, 212, 237, 238, 239, 240, 243 and 244, in the fourth district of originally Henry, recently Fayette but now Cayton county, they being the residences of Mathew Turnipseed, Samuel Kerlin, William J. Kerlin, Hilliard M. Starr, William Tombs, Wm. Wright, Isaiah Turner, John Wright, Nelson Gibson, John Bright and Benjamin H. Fortson, be so changed as to include them in the county of Fayette, which was agreed to.

Mr. Guerry, moved further to amend the report by adding following as an the additional section :

And be it further enacted, That the line between the counties of Stewart and Quitman, be so changed as to include in the county of Quitman lots of land No's. 61, 62, 77 and 78, being the residences of James Ray, John E. Carswell and James T. Pettis, also, to change the line between the counties of Clay and Quitman, so as to to include in Quitman lot

of land No. 120 being the residence of Peter Willet, which was agreed to.

Mr. Lott, moved further to amend the report by adding the following as an additional section :

And be it further enacted, That lot of land No. 178 in the 7th district of the county of Clinch, where David Gaskin now resides, be and the same is hereby added to the county of Coffee, which was agreed to.

Mr. Evans, moved further to amend the report by adding the following as an additional section :

Be it enacted, That the county line between the counties of Webster and Stewart, be so changed as to include within the limits of Stewart county, lot of land No. 59 in the 32d district of originally Lee, on which Joshua Ellis resides, so as to change the residence of said Joshua Ellis to said county of Stewart, which was lost.

Mr. Evans asked leave to withdraw the amendment previously offered by Mr. Cook, which was granted.

The report, as amended, was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole,

A bill to be entitled an act to repeal an act to consolidate the office of Clerk of the Superior and Inferior Courts of the county of Haralson, assented to, December 22d, 1857, and for other purposes.

Mr. Shelton moved to amend the report by extending the provisions of this bill to the county of White, which was agreed to.

The report as amended was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole,

A bill to be entitled an act to further regulate the retail of spirituous liquors.

The report was agreed to, the Bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole,

A bill to be entitled an act to correct and perfect the plat and grant to lot of land No. 142, in the 14th district of originally Appling now Pierce county.

The report was agreed to, the Bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole,

A bill to be entitled an act to provide compensation to Coroners for burying insolvent persons.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole,

A bill to be entitled an act to change the county line between the counties of DeKalb and Henry.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole,

A bill to be entitled an act to repeal all former acts in regard to the compensation of Grand and Petit Jurors, and the issuing of jury certificates, so far as the same applies to the county of Lumpkin, and further to provide for the compensation of the Grand and Petit Jurors of said county of Lumpkin, and for other purposes therein named.

Mr. Riley moved to amend the report by offering the following as a substitute for the original bill.

A bill to be entitled an act to authorize the Inferior Court of the county of Lumpkin, to levy a tax for certain purposes therein mentioned, which was adopted.

The report as amended was agreed to. The bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole,

A bill to be entitled an act to change the line between the Counties of Elbert and Madison and for other purposes.

Mr. Jamison moved to amend the report by adding the following Sections.

And be it further enacted, That all that part of the nineteenth District of the first Section which is now in the County of Union be added to and become a part of the County of Towns as was intended by the formation of said County of Towns.

And be it further enacted, That all sales of land heretofore made by the Sheriff of said county of Towns, in the said portion of the said 19th district, be and the same are hereby legalized and made valid; *provided*, That this section be not constructed to cure any other defect in said Sheriff sale except that of said land being sold in the wrong county, which was adopted.

The report, as amended, was agreed to the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole,

A bill to be entitled an act to authorize Stephen Ellis, a poor old man of the county of Gwinnett, as an itinerant trader, to vend any goods, wares, merchandise, within the county of Gwinnett, without obtaining license for the same.

Mr. Paine, moved to amend the report by striking out the word "poor" wherever it occurs in the caption and bill, which was adopted.

The report as amended was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole,

A bill to be entitled an act to add a portion of Dougherty to Worth county.

The report was agreed to, the bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole,

A bill to be entitled an act to require certain offices in Emanuel county, to be kept at the county site, and for other purposes.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole,

A bill to be entitled an act to repeal a portion of the 8th section of an act, approved Dec. 11th. 1858, so far as the same applies to Emanuel county.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole,

A bill to be entitled an act to change the time of holding the Inferior Courts of Emanuel county.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the Committee of the Whole,

A bill to be entitled an act to require the several Treasurers of the several school districts, of the county of Lumpkin to return the unexpended balance of the school funds now in their hands to the Ordinary of said county, and for other purposes.

The report was agreed to, and the bill was read a third time and passed.

The Senate took as the report of the committee of the whole :

A bill to be entitled an act to amend an act assented to Dec. 13th, 1858, and for other purposes therein mentioned.

The report was agreed to, the bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole,

A bill to be entitled an act to authorize the Inferior Court of the county of Haralson to levy an extra tax.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the Committee of the whole :

A bill to be entitled an act to amend an act entitled an act for the better protection and security of Orphans and their estates, approved February 18th, 1799.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole,

A bill to be entitled an act to change the county line between the counties of Newton and Walton.

On motion the same was laid on the table for the balance of the session.

The Senate took up as the report of the committee of the Whole,

A bill to be entitled an act to change the line between Talbot and Merriwether counties.

On motion the same was postponed indefinitely.

The Senate took up as the report of the committee of the Whole,

A bill to be entitled an act to authorize Robert B. Davis, to peddle in the counties of White and Hall without license.

On motion the same was postponed indefinitely.

The Senate took up as the report of the committee of the Whole,

A bill to be entitled an act to incorporate the Dalton Guards, and to confer certain power and privileges upon them.

On motion the same was indefinitely postponed.

The Senate took up as the report of the Committee of the Whole,

A bill to be entitled an act to incorporate the Calhoun & Rome Railroad Company, and to grant certain powers and privileges to said Company.

The report was agreed to.

Upon the question "shall this bill now pass?" the yeas and nays were recorded, and were yeas 29, nays 43.

Those who voted in the affirmative were Messrs.

Barrow, Billups, Boggs, Burnett, Cannon, Carter of Elbert, Chester, Cone, Delapierre, Evans, Flewellen, Grice, Griffin of Brooks, Harris of Worth, Holt, Jones, Kirby, Lenoir, McDuffie, McLeod, Paine, Printup, Riley, Robinson, Rushin, Sawyer, Shellnut, Tarver, Ward, Whitworth.

Those who voted in the negative were Messrs :

Allred, Bond, Byars, Cowen, Davis, Denham, Gartrell, Green, Hall, Haven, Head, Hightower, Hill of Wilkes,

Hines, Hutchins, Hyde, Ivey, Jamison, Lawton, Lockhart, Maples, Mathews, Merrill, McGehee, McRea, Moore of Whitfield, Morris, Oliver, Quillian, Reid of Morgan, Reid of Taliaferro, Ritch, Roberts, Sheppard, Stowers, Tatum, Usry, Wallace, White, Williams of Rabun, Wilson, Wynne, Young.

So the bill was lost.

Mr Harris, from the committee on enrollment, reported as duly enrolled, signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate.

A Resolution, to authorize Richard L. Hunter, agent of the Bank of Savannah, at Milledgeville, to make certain advances during the indisposition of the Treasurer.

The Senate took up as the report of the Committee of the whole,

A bill to be entitled an act to compel persons owning five hundred or more acres of land, in certain portions of Montgomery and Telfair counties to give in and pay taxes on the same in said counties.

The report was agreed to.

Upon the question "shall this bill now pass?" the yeas and nays were recorded, and were yeas 28, nays 49.

Those who voted in the affirmative were Messrs :

Allred, Atkinson, Batts, Burnett, Byars, Cannon, Chester, Cowen, Evans, Harris of Worth, Hightower, Hyde, Ivey, Jamison, Lawton, McDuffie, McRea, Paine, Quillian, Ritch, Robinson, Roberts, Summerour, Wallace, White, Whitworth, Wilson, Young.

Those who voted in the negative were Messrs :

Barrow, Rillups, Boggs, Bond, Briscoe, Carter of Elbert, Collier, Cone, Davis, Delapierre, Denham, Flewellen, Fulton, Gartrell, Griffin of Brooks, Hackett, Hall, Haven, Head, Hill of Wilkes, Holt, Hood, Hutchins, Johnson of Cass, Jones, Kirby, Lenoir, Lockhart, Maples, Mathews, McLeod, Morris, Oliver, Poole, Reid of Morgan, Reid of Taliaferro, Riley, Rushin, Sawyer, Shellnut, Sheppard, Stowers, Sturges, Tarver, Tatum, Usry, Ward, Williams of Rabun, Wynne.

So the bill was lost.

Mr. Paine, from the committee on enrollment, reported as duly enrolled, signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate.

An act to incorporate the town of Dawsonville, in the county of Dawson, in this State, and for other purposes.

Also, an act to add additional sections to the act incorporating the town of Dahlonega, in Lumpkin county.

Also, an act to incorporate the Bainbridge Volunteers, and to confer certain privileges upon the same, also the Atlanta Greys, in the city of Atlanta.

Also, an act to protect the legacy left by the last will and testament of W. D. Martin, and for other purposes.

Also, an act to give to Charles N. Terry, a minor of the county of Muscogee, Jeseeph H. Morehouse, a minor of Screven county, certain privileges—to authorize Littleberry Jackson, guardian of Wm. C. Becker, *et al*, to settle with said wards,

Mr. Harris of Worth moved that when the Senate adjourn, it adjourn to meet again 9 o'clock Monday morning.

Upon agreeing to which motion the yeas and nays were recorded, and were yeas 37, nays 37.

Those who voted in the affirmative were Messrs :

Alexander, Atkinson, Batts, Billups, Boggs, Briscoe, Byars, Cone, Davis, Denham, Griffin of Brooks, Hackett, Hall, Harris of Worth, Hightower, Hines, Holt, Ivey, Johnson of Cass, Lenoir, Oliver, Poole Printup, Reid of Taliaferro, Riley, Roberts, Rushin, Sawyer, Sheppard, Sumnerour, Tarver, Ward, White, Whitworth, Williams of Rabun, Wilson, Young.

Those who voted in the negative were Messrs :

Allred, Bond, Burnett, Carter of Elbert, Chester, Collier, Cowen, Evans, Flewellen, Fulton, Gartrell, Green, Haven, Head, Hill of Wilkes, Hood, Hutchins, Hyde, Jamison, Jones, Lawton, Lockhart, Mathews, McDuffie, McLeod, McRea, Moore of Whitfield. Quillian, Reid of Morgan, Ritch, Robinson, Shellnut, Stowers, Sturges, Usry, Wallace, Wynne.

There being a tie, the President voted yea, and the motion prevailed.

Mr. Paine, from the committee on enrollment, reported as duly enrolled, signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate.

An act to repeal an act to amend the Road Laws of this State, so far as relates to the county of Coffee.

Also, an act to amend an act to incorporate a Corps of Infantry in the town of Fort Valley and the Oglethorpe Light Infantry of Savannah, and to confer certain privileges on the same.

Also, an act for the relief of Mary Francis Nunar, of the county of Bibb.

Also, an act to amend the road laws of this State, so far as relates to the counties of Cherokee and Columbia.

Also, an act to allow Stephen Williams of Pierce county, and John Taylor of Ware county, to peddle in the first Congressional District.

The following message was received from the House of Representatives by Mr. Diamond their Clerk.

Mr. President: The House of Representatives have passed the following bills :

A bill to provide for the payment of officers presiding at the poles on elections hereafter to be held in Taliaferro county, and for other purposes.

A bill to allow the Justices of the Inferior Court of Dawson county, to levy an extra tax for said county, not to exceed twenty-five per cent on the State Tax.

A bill to legalize the marriage of John G. McMichael with Elizabeth Ethridge, and to exempt them from the penalties of the Law, for their marrying.

A bill to amend the fifth section of an act passed on the 27th January, 1852, entitled an act more effectually to prevent fraud in elections in this State, and to detect and punish the same.

A bill to discharge William Rogers, of the county of Milton, from the Trusteeship of the property of Mrs. Ann C. Lenoir, and her children, and to vest said Trusteeship in John W. Lenoir, the husband of the said Ann C. Lenoir, and father of said children, and for other purposes.

A bill to provide how fines and forfeitures in criminal cases shall be received and disposed of, and for other purposes.

A bill to alter and amend an act to define and establish the fees of Ordinaries, Clerks of the Superior and Inferior Courts, Sheriffs, Jailors, Justices of the Peace, and Constables, of this State, and for other purposes, so far as relates to the fees of the Sheriffs in the counties of Cass, Dade, and Chattooga.

A bill to exempt negroes employed by contractors of Railroads, on certain conditions.

A bill to incorporate the South Western Magnetic Telegraph Company.

A bill for the relief of John A. Bartlett and Lucinda Ellis, of the county of Bibb, and to legalize their marriage.

A bill to amend an act approved on the 4th of March, 1856, incorporating the Bank of Sparta, to confer certain privileges upon the corporators therein named, and to provide for the construction of a Railroad from Sparta to Tennille, or any other point on the Central Railroad.

A bill to alter and amend an act entitled an act to alter and amend the fifteenth section of the fourteenth division of the Penal Code, approved March 5th, 1856.

A bill for the relief of John P. Wellborn, of the county of Union.

A bill for the relief of M. C. Goodwyn, of the county of Pike.

A bill to compensate James Hamilton for services rendered this State as Commissioner and Surveyor in 1856.

A bill to reduce the Sheriffs bond in the county of Johnson.

A bill to incorporate the Marietta Paper Mill Company.

A bill to authorize Whitmill Horne, of the county of Bibb, to practice medicine, and charge and collect compensation for the same.

A bill to reduce the work on roads, in the county of Johnson.

A bill to extend the time for the Cherokee Volunteers to present their claims under the provisions of an act approved March 3rd 1856, and to authorize the payment of claims for rations and forage, furnished to Captain Witchers Company in 1838.

A bill to alter and amend the charter of the city of West Point.

A bill to provide for the issuing of summary and compulsory process for witnesses in all criminal causes in this State, upon the conditions herein named.

A bill to require the Jailors of the several counties of this State to advertise runaway slaves in one of the Public Gazettes published in Milledgeville in certain cases.

A bill to incorporate the Cherokee Manufacturing Company, located in Cherokee county, Georgia, and for other purposes.

A bill to incorporate a Volunteer Military Company in the town of Fort Gaines, and also the Lincoln Volunteers.

A bill to prevent the shooting, netting, and hunting of partridges, doves, snipes, turkeys, ducks, or other game birds in Richmond county, within certain times, and for other purposes.

A bill to regulate the testimony of parties in Justices Courts.

They have also passed the following bills of the Senate :

A bill to regulate the freight of lime for agricultural purposes when transported on the Western & Atlantic Railroad.

A bill for the relief of Henry Henson and Elias Kilpatrick, of the county of Towns.

The hour of adjournment having arrived, the President adjourned the Senate until 9 o'clock Monday morning.

MONDAY, DECEMBER 12th, 1859.

9 O'CLOCK, A. M.

The Senate met according to adjournment.

Mr. Harris of worth moved to reconsider so much of the Journal of Saturday as relates to the vote by which,

A bill to entitled an act to alter and amend the Eleventh section of the 3d article of the Constitution, was lost, which was agreed to.

Mr. Printup moved to reconsider so much of the Journal of Saturday as relates to the vote by which,

A bill to be entitled an act to incorporate the Calhoun and Rome Railroad company, was lost, which was agreed to.

Mr. Paine moved to reconsider so much of the Journal of Saturday as relates to the vote by which a bill to be entitled an act to compel persons owing five hundred or more acres of land in certain portions of Montgomery and Telfair counties to give in and pay taxes on the same in said counties, was lost, which was agreed to.

Mr. Wallace moved to reconsider so much of the Journal of Saturday as relates to the vote by which,

A bill to be entitled an an act to amend an act limiting the time in which suits in the courts of law in the courts in this State must be brought and for other purposes, was lost, which was agreed to.

Mr. Morris moved to reconsider so much of the Journal as relates to the vote, by which,

A bill to be entitled an act to amend the claim laws of this State, was lost, which was lost.

Mr. Paine from the committee on enrollment, reported as duly enrolled, signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate,

An act to incorporate the town of Bowden, in the county of Carroll and for other purposes therein mentioned.

Mr. Johnson of Clayton, moved to suspend the rule to enable him to reconsider so much of the Journal of Saturday as relates to the vote by which,

A bill to be entitled an act to change the line between certain counties therein named, was passed; which was agreed to.

The rule being suspended the Senate took up as the report of the committee of the whole,

A bill to change the line between certain counties therein named

Mr. Johnson of Clayton, moved to amend the report by striking out so much as relates to changing the line between Clayton and Fayette counties, which was agreed to.

The report as amended was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole,

A bill to be entitled an act for the relief of Solomon Newsum, and Troup A. A. Bryan of Lowndes county.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole,

A bill to be entitled an act to pay the Sheriffs of the several counties of this State, for certain services not now provided by law.

Upon agreeing to the report Mr. Tarver required the yeas and nays which being recorded, were yeas 45 nays 43.

.Those who voted in the affirmative, were Messrs.

Alexander, Barclay, Barrow, Bartlett, Billups, Boggs, Briscoe, Brown, Byars, Collier, DeLaperriere, Evens, Fulton, Gartrell, Griffin of Brooks, Griffin of Twiggs, Hackett, Harris of Dougherty, Harvin, Head, Hill of Sumter, Hines, Holt, Ivey, Johnson of Clayton, Johnson of Cass, Jordan, King, Kirby, McDuffie McGehee, McLeod, McRae, Moore of Whitfield, Morris, Oliver, Paine, Poole, Reid of Morgan, Reid of Taliaferro, Ritch, Roberts, Smith of Talbot, Sturges, Tarver, Tracy, Ward, Whitehurst.

Those who voted in the negative were Messrs.

Allred, Batts, Bonds, Burnett, Cannon, Carter of Elbert, Chester, Cooper, Cook, Cone, Crittenden, Donaldson Glover, Green, Grice, Hall, Harris of Worth, Higlow, Hill of Wilkes, Hood, Hutchins, Hyde, Jamison, Jones, Lenoir Lockhart, Maples, Matthews, Quillian Riley, Robinson Rushin, Sawyer, Shelton, Shellnut Snell, Stowers, Wallace, Wells, White, Whitworth, Williams of Berrien, Williams of Rabun, Wilson, Young.

So the report of the committee of the whole was agreed to.

The bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole,

A bill to be entitled an act to vest the lot and Academy buildings in the town of Thomasville in the Inferior Court, of Thomas county.

On motion, the same was indefinitely postponed.

The Senate took up, as the report of the Committee of the Whole,

A bill to be entitled an act to change the line between the counties of Laurens and Johnson.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the Committee of the Whole;

A bill to be entitled an act to incorporate the Ben Hill Academy in the county of Emanuel.

The report was agreed to, the bill was read the third time and passed.

Mr. Harris of Dougherty from the committee on enrollment, reports as duly enrolled and ready for the signature of the President of the Senate.

An act to entitled an act to change the time of holding the general elections in this State, and for other purposes.

Also an act to amend an act entitled an act to regulate new trials, approved February 20th, 1854.

Also an act to be entitled an act to amend the Judiciary act of this State, and to direct the manner of making Trustees parties plaintiffs or defendants, in all suits or actions now pending or may hereafter exist, in the several Courts of this State.

Also an act to be entitled an act to amend an act, approved March the 5th, 1856, entitled an act to authorize persons to submit controversies to arbitration, and for other purposes therein mentioned.

Also an act to amend an act entitled an act to provide for the education of the children of this State, between certain ages, and to provide an annual sinking fund, for the extinguishment of the public debt, assented to December the 11th, 1848, so far as relates to the county of Hall.

Also an act to amend the charter of the city of Griffin,

Also an act to authorize the construction of a Rail Road from Barnesville, in the county of Pike, to the city of Brunswick, in the county of Glynn, or any other seaport on the Atlantic coast of this State, with a recognition of vested rights granted in other Rail Road charters, by the Legislature of the State, and to protect its rights and defend its liabilities, and also to amend the charter of the Georgia Western Railroad Company, and for other purposes therein mentioned.

Also an act to incorporate a Bank to be located in the city of Rome, to be called the Bank of Rome, and to amend the charter of the Timber Cutter's Bank.

Also an act to incorporate the Polk Slate Quarry Rail Road Company, and for other purposes.

Also an act to incorporate the town of Warrenton, in Warren county, and to amend the charter of the city of Atlanta, and for other purposes therein named.

The Senate took up as the report of the committee of the Whole,

A bill, to be entitled an act to authorize the Inferior Court of Glasscock county, to appoint School Commissioners, in the several Districts of said county.

On motion, the same was laid on the table for the present.

The Senate took up as the report of the committee of the Whole,

A bill, to be entitled an act to compensate the Sheriff of Terrell county, for summoning Jurors.

On motion, the same was indefinitely postponed

On motion of Mr. Cone, Mr. Briscoe was added to the auditing committee.

The Senate took up as the report of the committee of the Whole,

A bill, to be entitled an act to grant a lien on all sawed lumber, in and for the county of Decatur.

The report was agreed to, the bill was read the third time and lost.

The Senate took up, as the report of the committee of the Whole,

A bill, to be entitled an act to authorize the Ordinaries of Columbia and Whitfield counties to pay certain poor school claims.

On motion, the same was laid on the table for the balance of the session.

The Senate took up as the report of the committee of the Whole,

A bill to be entitled an act to incorporate the Marietta Paper Mill Company, and for other purposes.

On motion, the same was laid on the table for the present.

The Senate took up as the report of the committee of the Whole,

A bill, to be entitled an act to incorporate the Columbus and Whitesville Rail Road Company.

The report was agreed to, the bill was read the third time and passed

The following Message was received from the House of Representatives by Mr. Diamond, their Clerk :

Mr. President : The House of Representatives have passed the following bills :

A bill, to incorporate a Bridge across Flint River, in the first District of Pike county.

A bill, to incorporate the Culverton Academy of Hancock county.

Also, to incorporate the Union Male and Female Academy in the county of Greene, &c.

A bill, to relieve James R. Walker, of the county of Upson, from the disabilities of minority.

A bill, to incorporate the Cotton Planter's Bank of LaGrange.

A bill, to authorize the Mayor and Council of the city of LaGrange, to levy an extra tax, and for other purposes.

A bill, to incorporate a Medical College in the city of Griffin, to be called the Middle Georgia Medical College.

A bill, to incorporate the town of Powder Springs, the Powder Springs High Schools, in the county of Cobb, the Trenton Cumberland Presbyterian Church, in the county of Dade, and to incorporate the village of Bottsford in the county of Sumter.

A bill, to amend the charter of the town of Louisville, in the county of Jefferson, and to confer additional powers upon the same.

A bill, to authorize the Ordinaries of Marion, Talbot, Terrell and Clinch counties, to pay certain poor school accounts.

A bill, to authorize L. B. Causey, of Webster county, as Guardian of Joseph J. Hale, minor of James Hale, to settle with his Ward, and to make said Joseph J. Hale responsible for his contracts.

A bill, to allow and authorize the Justices of the Peace of the city of Augusta, to hold their Courts at any place they may designate in said city, and to increase their jurisdiction.

A bill to compensate managers of Elections in Warren, Chattooga, and Greene counties, and for other purposes.

A bill, to authorize the Ordinary of DeKalb county, to pay to William A. Stansel certain money for teaching poor children.

A bill to incorporate the Calhoun and Ellijah Turnpike Company, and for other purposes.

A bill, to alter and amend the Road Laws of this State, so far as relates to the counties of Quitman, Sumter, Stewart, Chattahoochee, Talbot, Gilmer, Miller, Milton, Webster, Bibb, Terrell, Baldwin, Jackson, Floyd, Greene, Troup, Clarke, Fulton, Dawson, Burke, Murray, DeKalb and Haralson.

A bill, to amend an act to provide for the registry of votes, &c., in the city of Augusta, approved February 15th, 1856, and to extend the powers of the Recorder of said city, in relation to free negroes, and for other purposes.

A bill, to authorize the Justices of the Inferior Court of Muscogee county, or a majority of them, to levy an extra tax for purposes therein mentioned.

A bill, to provide for the teachers of poor children in the county of Hall.

They have also passed the following bills of the Senate:

A bill, to regulate the School system of Habersham county.

A bill, to authorize Jurors to assess damages, in matters of illegalities, upon certain conditions.

They have also concurred in a resolution of the Senate, in relation to the pardon of William A. Choice.

The Senate took up as the report of the committee of the Whole,

A bill, to be entitled an act to make the selling or furnishing, in any way, spirituous or intoxicating liquors of any kind, pistols, dirks, bowie knives, sword-canes, or any other deadly weapons of like character, to a school boy, minor, a misdemeanor.

Mr. Allred moved to postpone the same indefinitely.

Upon agreeing to which motion, the yeas and nays were recorded, and were yeas 40, nays 54.

Those who voted in the affirmative, were Messrs.

Allred, Atkinson, Barclay, Barrow, Batts, Briscoe, Cone, Cowen, Green, Griffin of Twiggs, Hackett, Hall, Harris of Worth, Hightower, Hill, of Sumter, Hyde, Ivey, Jamison, Jones, King, Kirby, Maples, McDuffie, McRae, Quillian, Reid of Morgan, Reid of Taliaferro, Riley, Ritch, Robinson, Rushin, Shelton, Summerour, Tatum, Tracy, Whitehurst, Williams of Berrien, Wynne, Young.

Those who voted in the negative, were Messrs.

Alexander, Bartlett, Billups, Boggs, Bond, Brown, Burnett, Carter of Elbert, Chester, Collier, Cooper, Cook, Crittenden, Davis, Delaperriere, Evans, Flewellen, Fulton, Gartrell, Griffin, of Brooks, Haven, Head, Hill of Wilkes, Hines, Holt, Hood, Hutchins, Johnson of Clayton, Johnson of Cass, Lawton, Lenoir, Lockhart, Matthews, McGehee, McLeod, Morris, Oliver, Paine, Poole, Printup, Roberts, Sawyer, Sheppard, Smith, of Hancock, Smith of Talbot, Stowers, Sturges, Tarver, Wallace, Ward, White, Whitworth, Williams of Rabun, Wilson.

So the motion did not prevail.

Mr. Harris, of Worth, moved to amend the report, by striking out all that portion that relates to the sale of liquors of any kind, which was agreed to.

Mr. Wallace moved further to amend the report, by inserting after the word "minor," the words, "without the written consent of the parent or guardian of such minor."

On motion of Mr. McGehee, the bill and its amendments was laid on the table for the present.

Mr. Paine, from the committee on Enrollment, reported as duly enrolled and ready for the signature of the President of the Senate, a resolution in relation to the pardon of William A. Choice.

The Senate took up as the report of the Committee of the Whole,

A bill to be entitled an act to prevent free persons of color, commonly known as free negroes, from coming into the State of Georgia.

Mr. Paine moved to amend the report by striking out the words "after the passage of this act," and inserting in lieu thereof, the words "after the first day of March next," which was agreed to.

Mr. Oliver moved further to amend the report by adding the following proviso :

Provided, That the provisions of this act shall not be imposed against any free person of color until such free person of color shall have thirty days notice, which was lost.

Mr. Quillian called for the previous question, which being seconded, the main question was ordered to be put, which was the passage of the bill.

The report as amended was agreed to, the bill was read the third time and passed.

Leave of absence was granted Mr. Harris of Dougherty and Mr. Poole. for the balance of the Session, after Tuesday next, on special business.

Leave of absence was granted Mr. Fulton, after to-day, on special business.

Mr. Paine, from the committee on enrollment, reported as duly enrolled, and ready for the signature of the President of the Senate.

An act for the relief of Henry Henson and Elias Killpatrick, of the county of Towns.

Also, an act to regulate the freight on lime for agricultural purposes, when transported on the Western and Atlantic Railroad.

Also, an act to incorporate the town of Perry, in Houston county, and to extend the limits of the same, and to repeal an act to incorporate the town of Perry, in Houston

county, and to define the duties and authorities of the same passed December 28th, 1828, and to repeal an act entitled an act to amend the charter of the city of Albany, so far as to give the election of Marshal to the qualified voters of said city, Approved December 22nd, 1857, and for other purposes therein mentioned.

Also, an act to regulate the School Fund of Habersham county, and for other purposes therein named.

The Senate took up, as the report of the committee of the whole,

A bill to be entitled an act for the relief Samuel Webb, of the county of Early

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the Committee of the Whole,

A bill to be entitled an act to repeal the 5th section of an act to change and fix the time of holding the Superior Courts of the county of Lumpkin, and to authorize the drawing and summoning of two panels of grand and petit jurors for said Courts, and for other purposes, approved 11th December, 1858,

Mr. Riley moved to amend the report by adding the following:

“And, that the county of Lumpkin be, and the same is hereby added to the Western Circuit, and that the Courts thereof shall be holden on the 4th Mondays in March and September, in each and every year, and that the provisions of this act shall not take effect until after the next term of Lumpkin Superior Court, which was agreed to.

The report as amended was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to authorize Alexander K. Leonard, Guardian of Micheal M. Harvey, to pay over to said Harvey the whole, or any part of the estate of the said Micheal, in the hands of said Alexander K. Leonard.

The report was agreed to, the bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole,

A bill to be entitled an act to amend an act of 1835, incorporating the town of LaFayette, of Walker county, and for other purposes.

The report was agreed to, the bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole,

A bill to be entitled an act to authorize the Governor of this State to cause to be established at some accessible and convenient place in this State, a State Foundry, and for other purposes therein mentioned.

Mr. Fulton moved to amend the report by offering the following as a substitute in lieu of the original bill :

Be it enacted, by the General Assembly, That it shall be the duty of the Governor to obtain all the information, statistics, &c., that may be in his power in relation to the establishment, in this State, of an Armory and Foundry, for the manufactory of arms and munitions of war, and to report the same to the General Assembly at its next Session.

And that the Governor be, and he is hereby authorized to appoint one or more commissioners or agents, to carry out the provisions of this act, which was adopted.

The report as amended was agreed to, the bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole,

A bill to be entitled on act to authorize Clerks of the Superior Courts of this State, to appoint assistants or deputy clerks to aid them in taking testimony in murder, and in other criminal cases.

Mr. Fulton moved to amend the report by offering the following as a substitute in lieu of the original bill.

“A bill to be entitled an act to provide for the payment of the person appointed to take testimony in criminal cases, in the Superior Courts of the county of Chatham, and other counties therein named, which was adopted.

The report as amended was agreed to, the bill was read the third and passed.

The Senate took up as the report of the Committee of the Whole,

A bill to be entitled an act to incorporate the Jenner Medical Society, of Oglethorpe Medical College at Savannah.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the Committee of the Whole,

A bill to be entitled an act, amendatory of an act, entitled an act to incorporate the trustees of the Botanic Medical College.

The report was agreed to, the bill was read the third time and passed.

The Senate took as the report of the committee of the whole,

A bill to be entitled an act to incorporate the Georgia Internal Improvement Association.

The report as amended was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to repeal an act of 1853 & 4, so far as the county of Decatur is concerned.

The report was agreed to, the bill read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to amend the 33rd section of the Judiciary act of 1799, in relation to the advertisement of Sheriff's sales.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to authorize George Underwood, of the county of Glascock, to pay over to, and settle with William M. Thompson, a minor, his ward, and for other purposes.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to incorporate the town of Bainbridge, and to grant certain privileges to the same.

Mr. Chester moved to amend the report by striking "President" wherever it occurs in the bill, and inserting "Mayor," which was agreed to.

The report as amended was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to amend an act to prescribe the mode of laying out private ways, and for other purposes, so far as relates to the county of Henry.

The report was agreed to, the bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole,

A bill to be entitled an act to authorize and require the Ordinary of DeKalb county to pay over to G. W. Lathram the sum of \$192 89 for teaching poor children of said county, in the years 1856 and '57, out of the school fund of said county.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole,

A bill to be entitled an act to change the line between the counties of Coweta and Campbell.

Mr. Wallace moved to amend the report by adding the following as additional section:

Be it further enacted, That the line between the county of Taylor and Schley be so changed as to include north half of lot of land No. 170 and west half of lot No. 183, in the third district of originally Muscogee now Schley county, within the county of Taylor, the same being the land of W. M. Stuckey, which was agreed to.

The report as amended was agreed to, the bill was read the third time and passed.

The Senate took up, as the report of the committee of the whole,

A bill to be entitled an act to allow Mathew Cook to peddle, without paying tax, in the county of Walton.

The report was agreed to, the bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole,

A bill to be entitled an act to exempt practicing physicians in the county of Jefferson from Jury duty.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the Committee of the Whole,

A bill to be entitled an act to take the interrogatories in the case of the State vs. Richard Clewis on a charge of Arson in Crawford county.

On motion the same was postponed indefinitely.

The Senate took up as the report of the Committee of the whole:

A bill to be entitled an act to authorize the extension of the South-Western Railroad.

On motion the same was postponed indefinitely.

The Senate took up as the report of the Committee of the whole,

A bill, to be entitled an act to add an additional section to the Penal Code, and allow negro testimony in certain cases.

On motion, the same was postponed indefinitely.

The Senate took up, as the report of the committee of the whole,

A bill, to be entitled an act to amend the charter of the Ellijay Rail Road Company, and for other purposes.

The report was agreed to the bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole,

A bill, to be entitled an act to incorporate the town of Summerville, in the county of Emanuel, and appoint Commissioners for the same, with powers to regulate the same for the benefit of the school within said corporate limits.

The report was agreed to, the bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole,

A bill, to be entitled an act to authorize the Governor to appoint a Commissioner or Commissioners, to examine deeds, adjust the claim or claims of citizens of Georgia residing on the Georgia line, and whose rights and titles to lands acquired from this State, may be effected by the proposed and contemplated settlement of the boundary line between Georgia and Florida.

The report was agreed to, the Bill was read the third time and passed.

The Senate took up, as the report of the committee of the whole,

A bill, to be entitled an act to alter and amend an act to submit the question of the removal of the county site of Montgomery county, to the voters of said county, and for carrying out the will of the majority.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the Committee of the Whole,

A bill, to be entitled an act to compensate the Tax Receiver of Marion county.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the Committee of the Whole,

A bill, to be entitled an act to alter and change the lines between the counties of Twiggs and Jones, &c.

On motion, the same was postponed indefinitely.

The Senate took up as the report of the Committee of the Whole,

A bill, to be entitled an act to authorize the School Commissioners of Rabun county to pay G. M. Gunter, for teaching poor children, for the year 1859.

On motion, the same was postponed indefinitely.

The Senate took up as the report of the committee of the Whole,

A bill, to be entitled an act to incorporate the Jefferson Blues, and grant them certain powers.

On motion the same was postponed indefinitely.

The Senate took up, as the report of the Committee of the Whole,

A bill, to be entitled an act to pardon John W. Martin, who is now confined in the Penitentiary for life.

On motion the same was postponed indefinitely.

Mr. Cannon moved to suspend the rules, for the purpose of offering a resolution, which was agreed to.

Mr. Cannon offered the following resolution, which was taken up, read and agreed to.

Resolved by the General Assembly, That J. B. Trippe, State Treasurer, after obtaining and filing in the Executive Office, the written consent of his securities, be authorized to appoint a deputy, who may discharge the duties of said office.

Mr. Holt moved to suspend the rules, for the purpose of offering a resolution, which was agreed to.

Mr. Holt offered the following resolution, which was taken up, read and agreed to.

Resolved, That the Secretary of the Senate be, and he is hereby authorized to employ for the residue of the Session, such additional enrolling Clerks, as may in his discretion be necessary to insure the due and correct enrollment of all bills passed by the Senate, and that the accounts of said additional Clerks shall be audited and passed upon the Secretary's certificate.

The following message was received from the House of Representatives, by Mr. Diamond, their Clerk :

Mr. President : The House of Representatives have passed the following bills :

A bill, to authorize the Ordinaries of Habersham and White counties, to pay for the teaching of certain poor children.

A bill, to appropriate a sum of money to Dawson county, to supply the deficit in the School Fund due said county, for the year 1858.

A bill to regulate the Common School Fund in Rabun county, and for other purposes.

A bill, to incorporate the Middle Georgia Telegraph Company, to change the name of the Dalton and Gadsen Railroad Company, and for other purposes.

The House of Representatives have also passed the following bills of the Senate.

A bill, in relation to the admission of evidence.

A bill, to change the line between the counties of Elbert and Hart.

A bill, to define the jurisdiction of the Courts in this State, against Rail Road Companies.

A bill, to alter and amend the several acts relative to the probate of wills, &c.

A bill, to add an additional section to the eleventh Division of the Penal Code.

A bill, to change the line between the counties of Floyd and Polk.

A bill, to confer additional powers upon the Mayor and Council of the city of Lagrange, and for other purposes.

A bill, to confer certain privileges upon Julius A. Cade, of Chattahoochee county, &c.

A bill, to incorporate the town of Jonesboro, in the county of Clayton, &c.

A bill, to incorporate the Hydraulic Hose Mining Company, of Lumpkin county, and the Etowah and Battle Branch Hydraulic Company, and for other purposes.

A bill, to amend the thirteenth section of the thirteenth Division of the Penal Code, &c.

A bill, to compensate the Grand and Petit Jurors, in the counties of Dougherty, Paulding, Terrell, Merriwether and the Petit Jurors in the counties of Marion and Putnam.

They have also passed the following bills of the Senate:

To be entitled an act to change the eighteenth section of the fourteenth Division of the Penal Code of this State, with an amendment, in which they ask the concurrence of this branch of the General Assembly.

Also a bill, to alter and change the line between the counties of Early and Clay, and Henry and Clayton, with an amendment.

The Senate took up, as the report of the Committee of the Whole, the following re-considered bill of the Senate:

A bill, to be entitled an act to amend an act limiting the time in which suits in the Courts of Law in this State, must be brought, and also limiting the time in which indictments are to be found and prosecuted in certain cases, and for other purposes therein mentioned, approved March 6th, 1856.

The report was agreed to, the bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole, the following re-considered bill of the Senate:

A bill, to be entitled an act to make valid certain sales of real estate, heretofore made by Executors, Administrators, and Guardians of this State.

The report was agreed to, the bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole, the following re-considered bill of the Senate.

A bill, to be entitled an act the better to secure and protect the rights of married women, and for other purposes.

On motion, the same was laid on the table for the present.

The Senate took up, as the report of the Committee of the Whole,

A bill, to be entitled an act to give the election of Treasurer of the county of Forsyth to the people.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the Committee of the Whole,

A bill, to be entitled an act to require Clerks of the Superior Courts to take Administration without giving bond.

On motion, the same was postponed indefinitely.

Mr. Fulton moved to suspend the rules, and that the morning session be prolonged until 1½ o'clock, which was agreed to.

The Senate took up as the report of the Committee of Whole, the following re-considered bill of the Senate.

A bill, to be entitled an act to compel persons owning five hundred or more acres of land in certain portions of Montgomery and Telfair counties, to give in and pay taxes on the same, in said counties.

Mr. Paine moved to amend the report, by striking out "five hundred," and inserting in lieu thereof, "one thousand," which was agreed to.

Mr. Paine moved further to amend the report, by inserting after the words "persons," the words, "who live out of this State," which was agreed to.

Mr. Cannon moved further to amend the report, by extending the provisions of this act to the counties of Wayne, Camden, Wilcox and Dooley, which was agreed to,

Mr. Paine called for the previous question, which being seconded, the main question was ordered to be put, which was, "shall this bill pass?"

The report as amended was agreed to, the bill was read the third time and passed.

The Senate took up, as the report of the committee of the whole, the following re-considered bill of the Senate:

A bill, to be entitled an act to incorporate the Calhoun and Rome Rail Road Company.

The report was agreed to.

Upon the question "shall this bill now pass?" the yeas and nays were recorded, and were yeas 45, nays 39.

Those who voted in the affirmative were Messrs.

Barrow, Bartlett, Billups, Boggs, Brown, Burnett, Cannon, Carter of Echols, Chester, Cloud, Cooper, Evans, Flewellen, Griffin of Brooks, Griffin of Twiggs, Hall, Head, Holt,

King, Kirby, Lawton, Lockhart, Maples, McDuffie, McGeehee, McLeod, Printup, Quillian, Riley, Ritch, Robinson, Roberts, Sawyer, Shelton, Shellnut, Sheppard, Smith of Hancock, Sturges, Summerour, Tarver, Ward, Whitehurst, Whitworth, Williams, of Berrien, Young.

Those who voted in the negative, were Messrs.

Allred, Atkinson, Barclay, Batts, Bond, Carter of Elbert, Collier, Cook, Cone, Cowen, Crittenden, Davis, De Perriere, Glover, Green, Hackett, Harvin, Hightower, Hill of Wilkes, Hood, Hyde, Jamison, Jones, Matthews, Melby, Moore of Whitfield, Morris, Oliver, Reid of Morgan, Reid of Taliaferro, Rushin, Smith of Talbot, Snell, Sowers, Wallace, White, Williams, of Rabun, Wilson, Wynne.

So the bill was passed.

The hour of adjournment having arrived, the President adjourned the Senate until 3 o'clock. P. M.

THREE O'CLOCK, P. M.

Senate met according to adjournment.

The Senate took up as the report of the Committee of the Whole, the special order which was,

A bill of the House of Representatives to be entitled an act to provide for a call of a Convention to reduce the members of the General Assembly of the State of Georgia, and to make such other alterations in the Constitution as they may deem essential, and for other purposes.

Mr. Cone moved to amend the report by striking out in the first section after the words "shall have" the word "two" and inserting the word "three" in lieu thereof. Also by striking out in the first section after the word "shall have," the word "one" and inserting in lieu thereof the word "two."

Mr. Quillian called for the previous question, which was seconded, and the main question was ordered to be put, which was the passage of the bill.

Upon agreeing to the amendment offered by Mr. Cone, the yeas and nays were recorded, and were yeas 54, nays 43.

Those who voted in the affirmative were Messrs:

Allred, Atkinson, Barclay, Batts, Boggs, Brown, Burnett,

Cannon, Carter of Echols, Chester, Cooper, Cone, Cowen, Davis, Green, Grice, Griffin of Brooks, Griffin of Twiggs, Hackett, Harris of Dougherty, Harris of Worth, Harvin, Hightower, Hines, Hutchins, Hyde, Ivey, Jamison, Johnson of Clayton, King, Lockhart, Maples, McRea, Moore of Whitfield, Morris, Oliver, Poole, Quillian, Reid of Taliaferro, Riley, Ritch, Robinson, Roberts, Sawyer, Shelton, Shellnut, Snell, Stowers, Summerour, Whitworth, Williams of Berrien, Williams of Rabun, Wilson, Young.

Those who voted in the negative, were Messrs :

Alexander, Barrow, Bartlett, Billups, Bond, Briscoe, Byars, Carter of Elbert, Collier, Cook, Crittenden, Evans, Flewellen, Fulton, Gartrell, Glover, Hall, Head, Hill of Sumter, Hill of Wilkes, Holt, Hood, Johnson of Cass, Jones, Jordan, Kirby, Lamar, Lawton, Lenoir, McGehee, Printup, Reid of Morgan, Sheppard, Smith of Hancock, Smith of Talbot, Sturges, Tarver, Tatum, Tracy, Wallace, Ward, White, Whitehurst, Wynne.

So the motion to amend prevailed.

The report as amended was agreed to.

Upon the question "shall this bill now pass?" the yeas and nays were recorded, and were yeas 58, nays 40.

Those who voted in the affirmative were Messrs.

Alexander, Barclay, Barrow, Bartlett, Batts, Billups, Bond, Briscoe, Brown, Burnett, Carter of Elbert, Collier, Cook, Crittenden, Evans, Flewellen, Fulton, Gartrell, Glover, Hackett, Hall, Harris of Dougherty, Harvin, Head, Hightower, Hill of Sumter, Hill of Wilkes, Holt, Hood, Ivey, Johnson of Clayton, Johnson of Cass, Jones, Jordan, Kirby, Lamar, Lawton, Lenoir, McGehee, Moore of Whitfield, Morris, Oliver, Printup, Reid of Morgan, Robinson, Shellnut, Smith of Hancock, Smith of Talbot, Sturges, Tarver, Tatum, Tracy, Wallace, Ward, White, Wilson, Wynne.

Those who voted in the negative were Messrs :

Allred, Atkinson, Boggs, Byars, Cannon, Carter of Echols, Chester, Cooper, Cone, Cowen, Davis, Green, Grice, Griffin of Brooks, Griffin of Twiggs, Harris of Worth, Hines, Hutchins, Hyde, Jamison, King, Lockhart, Maples, McRea, Poole, Quillian, Reid of Taliaferro, Riley, Ritch, Roberts, Sawyer, Shelton, Sheppard, Snell, Stowers, Summerour, Whitehurst, Whitworth, Williams of Berrien, Williams of Rabun, Young.

So the bill was passed.

Mr. Harris of Dougherty, from the committee on enrolment, reported as duly enrolled, and signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate :

An act to incorporate an Insurance Company in the city of Columbus. Also, to incorporate the Oglethorpe Insurance Company of Savannah.

Also, an act for the relief of Reubin Cloud of Decatur county. Also, for the relief of Mrs. Nancy Waddail, of the county of Fulton.

The Senate resolved itself into a committee of the Whole, on the bill to be entitled an act to alter and amend an act to provide for the education of the children of this State between certain ages, and to provide an annual sinking fund for the extinguishment of the public debt; assented to December 11th, 1858, Mr. Cone in the Chair.

The President resumed the Chair, the bill was reported without amendment.

On motion to postpone the report indefinitely, the yeas and nays were recorded, and were yeas 16, nays 82.

Those who voted in the affirmative were Messrs.

Barclay, Batts, Carter of Elbert, Collier, DeLapierre, Evans, Griffin of Twiggs, Harris of Dougherty, Hill of Wilkes, Holt, Hyde, Jamison, McLeod, Paine, Poole.

Those who voted in the negative, were Messrs.

Alexander, Allred, Atkinson, Barrow, Bartlett, Billups, Boggs, Bond, Briscoe, Brown, Burnett, Byars, Cannon, Carter of Echols, Chester, Cooper, Cook, Cone, Cowen, Crittenden, Davis, Flewellen, Fulton, Gartrell, Glover, Green, Grice, Griffin of Brooks, Hackett, Hall, Harris of Worth, Harvin, Head, Hightower, Hill of Spalding, Hines, Hood, Hutchins, Ivey, Johnson of Clayton, Jones, Jordan, King, Lamar, Lawton, Lenoir, Lockhart, McDuffie, McGeehee, McRea, Moore of Whitfield, Morris, Oliver, Printup, Reid of Morgan, Reid of Taliaferro, Riley, Robinson, Roberts, Rushin, Sawyer, Shelton, Shellnut, Smith of Hancock, Smith of Talbot, Snell, Stowers, Sturges, Sumner, Tarter, Tatum, Tracy, Wallace, Ward, White, Whitehurst, Whitehurst, Williams of Berrien, Williams of Rabun, Wilson, Young.

So the motion was lost.

Mr. Wallace moved that when the Senate adjourn this evening it meet again at 6½ o'clock, P. M., which was agreed to.

The hour of adjournment having arrived the President adjourned the Senate until 6½ o'clock, P. M.

6½ O'CLOCK, P. M.

The Senate met according to adjournment.

The Senate resumed the consideration of the unfinished business of the afternoon, which was, a bill to be entitled an act to alter and amend an act to provide for the education of the children of this State between certain ages, and to provide an annual sinking fund for the extinguishment of the public debt; assented to December 11th. 1858.

Mr. Oliver moved to amend the report by striking out of the 3d section the words "sixteen dollars" and inserting in lieu thereof the words "usual rates," which was lost.

Mr. Collier moved further to amend the report by offering the following as a substitute for the 4th section. In each county in this State there shall be a board of Education, which board shall consist of three persons to be selected by the Justices of the Inferior Court having reference to their proficiency in the elementary branches upon which teachers are now or shall be required to be examined, and a majority of this board shall constitute a quorum for the transaction of business, who shall hold their office for the term of two years, which was lost.

Mr. Hood moved further to amend the report by striking out the words "some other" and inserting in lieu thereof the words "and 3 other persons," which was lost.

Mr. Cook moved further to amend the report by adding the following to the 4th section :

No teacher shall be entitled to the provisions of this act who shall not produce the certificate of the Trustees (if there be any) of any school or academy where they may have taught, and if no trustees, the certificate of five or more of the patrons of the school of the competency of such teacher, and that they have faithfully and properly discharged their duties as such, which was lost.

Mr. Bartlett moved further to amend the report by offering the following as a substitute for the 4th section : In each county in this State there shall be Board of Education, which board shall consist of five Commissioners to be elected by the legally qualified voters of said counties on the first Monday in January every four years thereafter, that all vacancies in said board shall be filled after twenty days notice given by said board. A majority of said Commissioners shall constitute a quorum for the transac-

tion of business ; said commissioners shall take an oath to discharge their duties. and said Commissioners shall hold their offices until their successors are elected and qualified.

Which was lost.

Mr. Johnson of Clayton called for the previous question, which was seconded.

The main question was ordered to be put which was on the passage of the bill after disposing of the amendments offered thereto.

Mr. Riley moved further to amend the report by exempting the counties of Lumpkin and Gilmer from the provisions of the 4th section of this act.

Which was lost.

Mr. Holt moved further to amend the report by offering the following as a substitute.

That the first fourth and tenth sections of the act of which this is amendatory and all other acts or parts of acts appropriating money or aid by the State to educational purposes be and the same is hereby repealed, it being the opinion of the General Assembly that the Public funds and the proceeds of the Western and Atlantic Railroad should be appropriated to the payment of the public debt and to the relief of the people from taxation for the support of the State. And that the Inferior Court of the several counties in this State be authorized and required upon the recommendation of the Grand Juries in their respective counties to levy a tax for educational purposes, and that the same when collected shall be appropriated to the education of the poor children of their respective counties, to be disbursed under the provisions of this act and of the act of which this is amendatory.

Upon agreeing to which motion, the yeas and nays were required to be recorded, and were yeas 21, and nays 73.

Those who voted in the affirmative were Messrs.

Bartlett, Bond, Cook, Denham, Evans, Griffin of Twiggs, Hall, Harris of Dougherty, Hill of Sumter, Holt, Hood, Lockhart, Reid of Morgan, Robinson, Sheppard, Smith of Talbot, Sturges, Tarver, Tracy, Whitehurst, Wynne.

Those who voted in the negative were Messrs.

Alexander, Allred, Barclay, Barrow, Batts, Billups, Boggs, Briscoe, Brown, Burnett, Cannon, Carter of Echols, Carter of Elbert, Chester, Collier, Cooper, Cone, Cowen, Crittenden, Flewellen, Fulton, Gartrell, Glover, Green, Grice, Griffin of Brooks, Hackett, Harris of Worth, Harvin, Head, Hightower, Hill of Wilkes, Hines, Hutchins, Hyde, Ivey, Jamison, Johnson of Clayton, Johnson of Cass, Jones, Jordan, Lamar, Lawton, Lenoir, Matthews, McGehee, Mc-

Rae, Moore of Whitfield, Morris, Oliver, Paine, Poole, Printup, Quillian, Reid of Talliaferro, Riley, Ritch, Roberts, Sawyer, Shelton, Shellnut, Smith of Hancock, Snell, Stowers, Summercur, Wallace Ward, White, Whitworth, Williams of Berrien, Williams of Rabun, Wilson, Young.

So the motion to amend did not prevail.

Mr. Wilson moved further to amend the report by adding the following as an additional section :

Be it further enacted, that the provisions of this act shall not extend to the counties of Murray, Paulding and Fannin, only so far as to entitle those counties to their pro rata share of any sum of money that may be appropriated under or by this act, which was lost.

The report was agreed to ; upon the question shall this bill now pass, the yeas and nays were recorded, and were yeas 61, nays 31.

Those who voted in the affirmative were Messrs.

Alexander, Allred, Barrow, Batts, Billups, Boggs, Burnett. Cannon, Carter of Echols, Chester, Collier, Cooper, Cone, Cowen, Crittenden, Evans, Flewellen, Fulton, Gartrell, Glover, Green, Grice, Griffin of Brooks, Hackett, Harris of Worth, Harvin, Head, Hightower, Hill of Wilkes, Hines, Hutchins, Ivey, Johnson of Clayton, Johnson of Cass, Jones, Jordan, King, Lamar, Lenoir, Lockhart, Matthews, McDuffie, McRae, Moore of Whitfield, Paine, Printup, Ritch, Roberts, Shelton Shellnut, Snell, Stowers, Sturges, Summerour, Wallace, Ward, White, Whitworth, Williams of Berrien, Williams of Rabun, Wilson, Young.

Those who voted in the negative were Messrs.

Bartlett, Bond, Briscoe, Carter of Elbert, Cook, Denham, Griffin of Twiggs, Hall, Harris of Dougherty, Hill of Sumter, Holt, Hood, Hyde Jamison Lawton, Morris, Oliver Poole, Quillian, Reid of Morgan, Reid of Talliaferro, Riley, Robinson, Sawyer, Sheppard, Smith of Hancock, Smith of Talbot, Tarver, Tracy, Whitehurst, Wynne.

So the bill was passed.

The following Message was received from the House of Representatives, by Mr. Diamond their Clerk.

Mr. President : The House of Representatives have passed the following bills :

A bill to make the Ordinary of Jasper county, ex-officio school commissioner, and for other purposes.

They have also passed the following bills of the Senate.

A bill to incorporate the town of Moultrie in the county of Colquitt, and to amend the charters of the cities of Rome and Albany, and of the town of Monticello, and for other purposes.

A bill to change the name of the Planters and Mechanics Bank of Dalton.

A bill to legalize and enforce the operations of the Board Police for the 15th District, G. M., of the county of Liberty, and for other purposes.

A bill to regulate the Agencies of Foreign Insurance Companies, and to provide for the appointment of an Insurance Commissioner.

A bill to change the time of holding the Superior Courts of the county of Cass.

A bill to incorporate the town of Statesville in Echols county, and for other purposes.

A bill to compensate the Sheriff of Franklin county, for summoning Grand and Petit Jurors, &c.

A bill to repeal an act amending the charter of the town of Newnan in the county of Coweta, and for other purposes.

A bill to incorporate the "Vernon Shell Road Company" and for other purposes.

A bill to reduce the Sheriffs bond of the county of Irwin, &c.

A bill to authorize Absalom E. Roberts, administrator upon the estate of Robert J. Culbreath, deceased, under an order of the Court of Ordinary of Walton county, to make a certain disposition of said estate.

A bill to suspend a part of the 5th section of an act to provide for the education of the children of this State, between certain ages, and to provide an annual sinking fund for the extinguishment of the Public Debt for the year 1859, so far as relates to the counties of Greene and Baldwin, and for other purposes.

A bill for the relief of William D. Rigdon, of the county of Charlton, &c.

They have also passed the following bill of the Senate with an amendment thereto, in which they ask the concurrence of this Branch of the General Assembly, to-wit:

A bill to alter and change the times of holding the Superior Courts of the counties of Wilcox, Telfair, Irwin, Berrien and Glynn, and for other purposes.

On motion of Mr. Harris of Worth, the rules being suspended the Senate took up the following bill of the House of Representatives, which was read the second time and referred to the committee of the Whole,

A bill to be entitled an act to appropriate money for the support of Government for the political year 1860, and to make certain special appropriations, and for other purposes therein named.

On motion of Mr. Harris of Worth, the same was made the special order for Tuesday next.

Leave of absence was granted Mr. Miller for the balance of the session, on account of protracted illness.

On motion of Mr. Collier the rules were suspended and the Senate took up as the report of the committee of the whole the following bill of the House of Representatives :

A bill to be entitled an act for the relief of Cornelius Hibberts of the county of Fulton.

The report was agreed to, the bill was read the third time and passed.

Mr. Paine from the committee on enrollment reported as duly enrolled, and ready for the signature of the President of the Senate.

An act to define and declare the jurisdiction of the Courts of this State, in suits against Railroad Companies.

Also, an act to amend the 13th section of the 13th division of the Penal Code of the State of Georgia, so as to increase the penalty for selling and furnishing intoxicating liquor to slaves and free persons of color.

Also, an act to add an additional section to the 11th division of the Penal Code.

Also, an act to change the line between the counties of Floyd and Polk.

Also, an act to confer certain privileges upon Julius A. Cade of Chattahoochee county, to make lawful his acts and give him authority to transact business as though he was twenty one years of age, and for other purposes.

Also, an act to incorporate the Planters Railroad Company, and to incorporate the Bainbridge and Florida Railroad, and for other purposes therein named.

Also, an act to authorize Jurors to assess damages in matters of illegalities, upon certain conditions.

Also, an act to confer additional powers upon the Mayor and Council of the city of LaGrange, to regulate the rate of Taxation in said city, and to grant certain exemptions to the diligent Firemen of LaGrange.

Also, an act to change the line between the counties of Elbert and Hart.

The Senate took up, as the report of the Committee of the Whole,

A bill to be entitled an act to amend an act entitled an act to incorporate the Canton Mining Company of Georgia, approved Dec. 17th. 1855.

Mr. Lawton moved to amend the report by offering a substitute in lieu of the original bill.

Mr. Cooper moved that the bill and substitute be postponed indefinitely.

Upon agreeing to which motion the yeas and nays were recorded, and were yeas 57, nays 30.

Those who voted in the affirmative are Messrs :

Bartlett, Batts, Billups, Boggs, Bond, Briscoe, Brown, Burnett, Cannon, Carter of Carter Chester, Collier, Cooper, Cook, Cone, Evans, Flewellen, Green, Grice, Griffin of Brooks, Hackett, Hall, Harris of Dougherty, Harris of Worth, Harvin, Head, Hill of Hines, Holt, Hood, Ivey, Jordan, Lawton, Lockhart, Matthews, McGehee, McRae, Morris, Paine, Printup, Reid of Morgan, Ritch, Robinson, Roberts, Sawyer, Sheppard, Smith of Hancock, Smith of Talbot, Snell, Tracy, Wallace, Ward, White, Williams of Berrien, Wynne, Young.

Those who voted in the negative are Messrs.

Allred, Barclay, Barrow, Cowen, Crittenden, Gartrell, Glover, Griffin of Twiggs, Hightower, Hutchins, Hyde, Johnson of Clayton, Johnson of Cass, Jones, Lamar, Moore of Whitfield, Oliver, Poole, Quillian, Reid of Taliaferro, Riley, Shelton, Shellnut, Sturges, Summerour, Tarver, Whitehurst, Whitworth, Williams of Rabun, Wilson.

So the motion to postpone indefinitely prevailed.

The following message was received from the House of Representatives, by Mr. Diamond their Clerk.

Mr. President: The House of Representatives have passed the following bills :

A bill to incorporate the city Gas Light Company, in the city of Augusta.

A bill to provide for the proper distribution of the Common School Fund, in the county of Lumpkin, and to provide for the teachers of poor children in Rabun county for 1859.

They have also adopted a resolution to request the Governor of this State, to confer with the Governors of the several Southern States, upon the policy and plan of establishing an Armory in the South.

They have also passed the following bills of the Senate.

A bill to incorporate the Stewart Volunteer Companies, therein mentioned, and for other purposes.

A bill to incorporate the town of Carnesville in the county of Franklin.

A bill to incorporate the Home Guards in Madison, Morgan county, and to grant certain privileges herein specified.

A bill to provide and give liens to Stone Cutters and Marble Companies of this State, to secure payment for their labor.

A bill to authorize the Inferior Court of Early county, to levy a road tax, and for other purposes.

A bill to allow the Attorneys General and Solicitors General a fee in cases of Peace Warrants.

A bill to authorize the administrators of the estate of the late Toliver Jones, of the county of Harris, to sell all the lands belonging to the said estate lying in the counties of Harris, Muscogee and Talbot, at the Court House in the county of Harris.

They have also passed the following bills of the Senate with amendments thereto, in which they ask the concurrence of this branch of the General Assembly:

A bill to incorporate the Southern Rights Guards of the county of Houston, to incorporate the Scott Rifles of the county of Talbot, to incorporate the Mac county Volunteers of the county of Macon, and for other purposes.

A bill to incorporate the Enterprise Rail Road Company, and for other purposes.

A bill to compel all persons, non-residents of the county of Wayne owning penning and grazing cattle in said county to return and pay Tax on the same in the county aforesaid.

A bill to provide for the disbursement of the common school fund to which the counties of Gilmer and Lumpkin are or may be entitled under or by virtue of an act passed the 11th day of December, 1858, and for other purposes therein named.

A bill to define and punish vagrancy in Free Persons of Color.

The Senate took up as the report of the committee of the Whole, the following reconsidered bill of the Senate.

A bill to be entitled an act to change the line between the counties of Henry and Clayton and between the counties of Fayette and Clayton, so as to include certain residences to the county of Clayton.

The report was agreed to, the bill was read the third time and lost.

The Senate took up as the report of the committee of the Whole,

A bill to be entitled an act to authorize A. R. Lowe, a

minor of the county of Chatham to receive of his Guardian E. W. Miller, his entire property of what kind soever, and for other purposes.

The report was disagreed to, and the bill was lost.

The Senate took up the report of the Committee of the Whole,

A bill to be entitled an act compel all persons owning uncultivated lottery lands in the State of Georgia, to return and pay tax on the same in the county where the land lies.

On motion the same was indefinitely postponed.

The Senate took up as the report of the Committee of the Whole,

A bill to be entitled an act to alter and extend the provisions of an act entitled an act to exempt from levy and sale under execution certain property therein mentioned assented to Dec. 11th, 1841, and to repeal a portion of said act.

On motion the same was laid on the table for the present.

The hour of adjournment having arrived, the President adjourned the Senate until 9 o'clock to-morrow morning.

TUESDAY, DECEMBER 13th, 1859.

The Senate met according to adjournment.

Mr. McGehee, moved to reconsider so much of the journal of yesterday as relates to the vote by which,

A bill to be entitled an act to authorize the Governor to appoint a commissioner or commissioners to examine and adjust the claim or claims of citizens of Georgia, residing on the Georgia line, and whose rights and titles to lands acquired from this State may be effected by the proposed and contemplated settlement of the boundary line between Georgia and Florida, was passed, which was agreed to.

Mr. Harris of Worth, moved to reconsider so much of the journal of yesterday as relates to a vote by which,

A bill to be entitled an act to provide for a call of a Convention to reduce the members of the General Assembly of the State of Georgia, and to make such other alterations in the Constitution as they may deem essential, and for other purposes, was passed, which was agreed to.

Mr. Holt, moved to reconsider so much of the journal of yesterday, as relates to the vote by which,

A bill to be entitled an act to alter and amend an act to provide for the education of the children of this State, between certain ages, and to provide an annual sinking fund

for extinguishment of the public debt, assented to December 11th, 1859, was passed; which was lost.

Mr. Harris of Dougherty, from the committee on enrollment reports as duly enrolled and ready for the signature of the President of the Senate:

An act to alter and amend the several acts relative to the probate of wills, granting letters testamentary and administrations. and for other purposes therein specified,

Also, an act to incorporate the Hydraulic Hose Mining Company of the county of Lumpkin, to incorporate the Etowah and Battle Branch Hydraulic Company, and for other purposes therein specified.

Also, an act to suspend a part of the 8th section of an act to provide for the education of the children of this State between certain ages, and to provide an annual sinking fund for the extinguishment of the public debt for the year 1859, so far as relates to the counties of Greene and Baldwin, and to authorize the Ordinaries of said counties to pay over to certain teachers of said counties, the school funds belonging to said counties, and for other purposes herein mentioned.

Also, an act to incorporate the town of Jonesboro in the county of Clayton, and to provide for the election of commissioners, Marshals and Clerks, and for other purposes.

Also an act to compensate the Grand and Petit Jurors of the counties of Dougherty, Paulding, Terrell and Merriwether, and Petit Jurors of the counties of Marion and Putnam, and to provide for the same.

Also, an act to change the name of the Planters and Mechanics Bank of Dalton.

Also, an act to reduce the Sheriffs bond in the county of Irwin, and for other purposes.

Also, an act to repeal an act to authorize the election of Marshal, for the town of Newnan in the county of Coweta, in the same way and manner as Commissioners for said town are now elected by law, approved Feb. 17th, 1854.

Also, an act to compensate the Sheriff of Franklin county, for summoning Grand and Petit Jurors of said county, and for other purposes.

Also, an act to change the time of holding the Superior Courts of the county of Pierce.

Also, an act for the relief of William D. Rigdon of Charlton county, and for other purposes.

Also, an act to legalize and enforce the operation of the Board of Police for the 15th district, G. M., of the county of Liberty

The Senate took up as the report of the Committee of the Whole, the following reconsidered bill of the Senate,

A bill to be entitled an act to authorize the Governor to appoint a commission to examine and adjust the claims of citizens of Georgia, residing on the boundary line between Georgia and Florida.

Mr. McGehee moved to amend the report by the following as a substitute in lieu of the original bill.

A bill to be entitled an act to recognize under certain circumstances, the boundary line between the States of Georgia and Florida, as the permanent boundary affixing titles to land on either side of the line and directing criminal prosecutions, in Georgia to be *nol prossed*, which was adopted.

The report as amended was agreed to, The bill was read the third time and passed.

The Senate took up the following bill of the Senate which had been amended by the House of Representatives :

A bill to be entitled an act to change the 18th section of the 14th division of the Penal Code of this State, and for other purposes.

On motion the amendment was concurred in.

The Senate took up the following bill of the Senate which had been amended by the House of Representatives.

A bill to be entitled an act to incorporate the Enterprise Railroad Company, and for other purposes.

On motion the amendment was concurred in.

The Senate took up the following bill of the Senate which had been amended by the House of Representatives :

A bill to be entitled an act to alter and change and define the line between Early and Clay counties, also, to change the line between Henry and Clayton counties.

On motion the amendment was concurred in.

The Senate took up the following bill of the Senate which had been amended by the House of Representatives :

A bill to be entitled an act to compel all persons non-residents of the county of Wayne, owning, penning and grazing stock cattle in said county to return and pay tax on the same in the county aforesaid.

Mr. Harris of Worth, moved to amend the amendment of the House, by striking out the county of Worth, which was agreed to.

Mr. Roberts moved to amend the amendment of the House, by striking out the county of Miller, which was agreed to.

The Senate then concurred in the amendment of the House of Representatives as amended.

Leave of absence was granted Mr. Stowers, for the balance of the session.

The following message was received from the House of Representatives by Mr. Diamond, their Clerk :

Mr. President :—The House of Representatives have passed the following bill of the Senate.

A bill to authorize the consolidation of the Stock of the Milledgeville and Gordon Railroad Company, with the stock of the Central Railroad and Banking Company of Georgia, and also, to authorize the consolidation of the stock of the Eatonton Branch Railroad, with the Stock of the Central Railroad and Banking Company of Georgia, and also, to authorize an increase of the capital stock of said Central Railroad and Banking Company of Georgia, and for other purposes.

Mr. Harris of Dougherty, from the committee on enrollments, reported as duly enrolled signed by the Speaker of the House of Representatives and ready for the signature of the President of the Senate.

An act for the relief of Cornelius Hibberts.

The Senate took up the following bill of the Senate which had been amended in the House of Representatives.

A bill to be entitled an act to provide for the distribution and disbursement of the common school fund to which the counties of Gilmer and Lumpkin, are or may be entitled under and by virtue of an act passed on the 11th day of Dec., 1858, and for other purposes therein mentioned.

On motion the amendment was concurred in.

The Senate took up the following bill of the Senate which had been amended in the House of Representatives :

A bill to be entitled an act to define and punish vagrancy in free persons of color.

On motion the amendment was disagreed to.

The Senate took up the following bill of the Senate which had been amended by the House of Representatives :

A bill to be entitled an act to incorporate the Southern Rights Guards in the county of Houston, to incorporate the Scott Rifles in the county of Talbot, to incorporate the Macon county Volunteers in the county of Macon, and for other purposes.

On motion the amendment was concurred in.

The Senate took up the following bill of the Senate which had been amended in the House of Representatives :

A bill to be entitled an act to alter and change the times of holding the Superior Courts of the counties of Wilcox, Telfair, Irwin, Berrien and Glynn, and for other purposes therein named.

On motion the amendment was concurred in.

Mr. Harris, of Dougherty, from the committee on Enrollment, reports as duly enrolled, and ready of the signature of the President of the Senate.

An act, to provide and give liens to stone cutters, and marble companies of this State, to secure payment for their labor.

Also an act, to incorporate the Home Guards, in Madison, Morgan county, and to grant certain privileges.

Also an act, to incorporate the town of Statesville, in Echols county, and to appoint Commissioners of the same, and point out the mode of electing the proper officers.

Also an act, to incorporate the town of Moultrie, in the county of Colquitt, and to confer certain privileges and powers on the Commissioners, and to amend the several acts incorporating the city of Rome, and to confer certain powers on the Mayor and Council of the city of Albany, and to amend the act incorporating the town of Monticello in the county of Jasper, and for other purposes.

Also an act to authorize the Inferior Court of Early county to levy a Road Tax, and for other purposes

Also an act to incorporate the Vernon Shell Road Company.

Also an act to authorize Absalom E. Roberts, Administrator upon the estate of Robert J. Culbreath, deceased, under an order of the Court of Ordinary, of Walton county, to have the distributive share of the widow of said deceased, ascertained in the estate of said deceased, and to pay the same over to her and then for the balance of the said estate, subject to be distributed, to be and remain the property jointly of the two minor children of said deceased, until one of them shall marry or arrive at the full age.

Also an act to regulate, the agencies of Foreign Insurance Companies, and to provide for the appointment of an Insurance Commissioner.

Also, an act to allow the Attorney General and Solicitors General a fee in cases of Peace Warrants.

Also, an act to authorize the Administrators of the estate of the late Toliver Jones of the county of Harris, to sell all the lands belonging to the said estate, lying in the counties of Harris, Muscogee and Talbot, at the Court House, in the county of Harris.

Mr. McGehee, from the Committee on Agriculture, to whom was referred the resolution, proposing the appointment, by the Governor, of a Commissioner to visit Europe in concert with the Commissioner of the Cotton Planters' Convention of this State, have had the same under consideration, and ask leave to make their report.

To emancipate commerce from all unnecessary exactions, and to remove every hindrance to its dispatch, the best en-

ergies of the most sagacious men are actively engaged. Time is growing more precious to the commercial world, and the necessity for dispatch has blasted pathways through your granite hills, and tunneled your mountains. For the accomplishment of this great object, associations of economists have been formed in Continental Europe, composed of distinguished political writers, experienced and enlightened manufacturers, and scientific agriculturists, and after discussions, they published to the world the result of their deliberations, and upon some of their conclusions is predicated the Cotton Planter's Convention of Georgia. The cheapness and abundance of accumulated capital, seek profitable investment in the building of ships, in the purchase and manufacture of cotton, and Belgium and Holland have, through their Chambers of Commerce, entered into communication with the Convention, proposing the development of some plan, by which great benefits can be mutually secured. Thus encouraged, the Cotton Planters' Convention ask the appointment of an accredited agent, by the State, to accompany the Commissioners appointed by the Convention, to obtain such information as will be instructive and beneficial to the agricultural interests of this State, and to suggest such plans as will effect direct trade.

The objects of this commission appeal strongly to our approval, and we deem it unnecessary to dilate upon the conservative influence of our great staple upon the commerce of the world, if we wisely direct it. The wonder, perhaps, of the nineteenth century, is the value of cotton, and its achievements. The world in arms against the labor that produces it, and yet it asserts its sway. The people must be clothed, and we are the producers of that article, from its indispensable necessity to the civilized world, that is called "King." The people must be fed, and the employment that it gives to the pent up millions of Europe, gives them bread. And the improvements in machinery, constantly multiplying uses to which our great staple is applied, as well as the enormous investments of capital in its transportation and manufacture, give to it an importance of which we may well feel proud. Absorbing, however, as is this great interest, we have others of no small importance, that bear a strong relationship to the objects of this mission. We allude to the timber trade, the materials of the most choice quality abound, for shipping, in our State, and in this branch we almost enjoy a monopoly; and who can estimate the untold millions of our mineral wealth, retarded in their development from the lack of capital. All of which, equally demand direct trade. Continental Europe has been paying tribute to England, in procuring cotton for her factories, just as the cotton planters contribute to New York, by the circuitry of the transportation of their produce, and is seek-

ing to divest itself of heavy intervening expenses, by a direct interchange of commodities. The States of Northern and Middle Europe, are desirous of bringing their fabrics directly to our wharves, and exchange them for our cotton, without the expenses for transit, landing, storage, re-shipment, fees for brokerage, commission at both New York and Liverpool, all losses to the producer and consumer. We do not think that any one will deny the truth of the remark, that where the materials of commerce are abundant, that trade is vastly benefitted by direct transportation, and business men estimate a saving in the cost of carriage, at about 30 per cent. What an appeal does this make to us as Georgians, with a long Atlantic coast, situated nearest to the field of this immense production in the South-West, with ports amply sufficient from capacity of harbor, or depth of water, to conduct an immense commerce. Who does not feel interested in the growth of our sea-port towns, and how vast are the fields afforded for the building up of cities, to beautify and adorn our coast, and add millions of wealth to the State, and in a term of years, save thousands to our people. A gigantic struggle is now being made, to divert the commerce of the West into artificial channels, and let us seek to secure the advantages with which our Geographical position is blest. We feel an abiding interest in whatever conduces to the benefit of agriculture. An interest that engages nine-tenths of the fixed capital of the world, and an interest that is the sub-stratum or granite foundation of all other interests. In this connection, we deplore the loss of the bill, authorizing a Geological and Mineralogical Survey of the State, and feel a degree of humiliation that Georgia, elevated as she is in her credit, distinguished for her Railroad achievements, and brilliant in her noble character, still lingers in the wake of that progress, that has secured from this department, such rich results to her sister States. Whilst we continue a planting people, engaged mainly in one pursuit, it should be a chief concern, to exert ourselves for the advancement of it, by all the lights that science and experience afford. And as we disincumber the products of our soil, by all unnecessary exactions, by direct trade, we should have called into requisition a practical and skilful Geologist, to point out the abundant materials emboweled in the earth, for the resuscitation of the fertility of our exhausted fields, the value of our rocks for building and other purposes, and the immense treasures concealed within our mountains.

In conclusion, we find that a similar appointment was made by manufacturers and Presidents of Railroads, at a meeting near the Virginia line, of persons from Tennessee, Kentucky, and Virginia, and a distinguished gentleman from

the latter State appointed as agent. We recommend the adoption of this resolution.

Mr. M. Gehee offered the following resolution, which was taken up and read :

Whereas, a movement is now being made by the merchants, manufacturers, bankers and capitalists of the Continent of Europe, to establish direct commercial intercourse with the cotton planting States, whereby merchandize may be sent direct to Southern markets, and a large portion of the cotton crop transmitted directly to the manufacturer, thus avoiding the expense of the circuitous channels through which it now passes, securing to the producer higher prices, and an exemption from the combinations of speculators at home and abroad, and also for the employment of a large amount of European capital in the development of our agricultural, commercial and mineral resources, and,

Whereas, the Cotton Planters' Association of Georgia has appointed the Hon. Howell Cobb and the Hon. John S. Thomas, Commissioners to proceed to Europe for the purpose of securing to Georgia the benefits of the movements above referred to; and *whereas*, the General Assembly look with much solicitude to the accomplishment of the object contemplated by the Cotton Planters' Association as immediately connected with and designed to promote our material progress and prosperity as a people. Therefore be it

Resolved by the Senate and House of Representatives of the State of Georgia in General Assembly met, That the Governor is hereby requested to appoint a Commissioner on behalf of the State to proceed to Europe and act in concert with the Commissioners appointed by the Cotton Planters' Convention, and report to the Governor the result of his enquiries, investigations and proceedings; and that said report be transmitted by His Excellency to the General Assembly at their next session.

Mr. Hille moved to amend the foregoing resolution by adding the following proviso :

Provided, That such Commissioners shall not at any future date call upon the State of Georgia for the services thus rendered, which was lost.

The question recurring upon agreeing to the original resolution, the yeas and nays were required to be recorded, and were yeas 45, nays 39.

Those who voted in the affirmative were Messrs.

Alexander, Barclay, Billups, Boggs, Brown, Byars, Chester, Collier, Cooper, Cone, Crittenden, Davis, Denham, Evans, Hewellen, Gartrell, Griffin of Brooks, Harris of Dougherty, Harvin, Head, Hightower, Hines, Holt, Hood, Johnson of Cass, Jordan, King, Matthews, McGehee,

McRae, Oliver, Reid of Morgan, Roberts, Rushin, Sawyer, Shelton, Shellnut, Smith of Hancock, Smith of Talbot, Sturges, Summerour, Tracy, Trippe, Wallace, Ward, Whitehurst, Wynne.

Those who voted in the negative were Messrs.

Allred, Bartlett, Batts, Bond, Cannon, Cook, Cowen, Delaperriere, Glover, Grice, Griffin of Twiggs, Hackett, Hall, Hill of Sumter, Hill of Wilkes, Hitchcock, Hutchins, Hyde, Ivey, Jamison, Johnson of Clayton, Jones, Lawton, Lockhart, Moore of Whitfield, Poole, Printup, Reid of Taliaferro, Riley, Ritch, Sheppard, Snell, Tarver, Tatum, Walker, Whitworth, Williams of Berrien, Williams of Berrien, Williams of Rabun, Young.

So the resolution was agreed to.

The following Message was received from His Excellency, the Governor, by Mr. Waters, his Secretary, to-wit:

Mr. President:—The Governor has signed the following acts to wit:

An act to regulate the school fund of Habersham county, and for other purposes therein named.

An act to incorporate the town of Warrenton, in Warren county, and to amend the charter of the city of Atlanta, and for other purposes therein named.

An act to incorporate the town of Perry, in Houston county, and to extend the limits of the same, and to repeal an act to incorporate the town of Perry, in Houston county, and to define the duties and authorities of the Commissioners of the same, passed December 28th, 1828; and to repeal an act entitled an act to amend the charter of the city of Albany so as to give the election of Marshal to the qualified voters of said city, approved December 22d, 1857, and for other purposes.

An act to incorporate the Polk Slate Quarry Railroad Company, and for other purposes.

An act to regulate the freight on lime for agricultural purposes when transported on the Western and Atlantic Railroad.

An act to amend an act approved March 5th, 1856, entitled an act to authorize persons to submit controversies to arbitration, and for other purposes.

An act to amend an act entitled an act to regulate new trials, approved February 20th, 1854.

An act to change the time of holding the General Elections in this State, and for other purposes.

An act to amend the Judiciary act of this State, and to direct the manner of making trustees, parties plaintiffs or

defendants in all suits or actions now pending or may hereafter exist, in the several counties of this State.

The following Message was received from the House of Representatives by Mr. Diamond, their Clerk :

Mr. President : I am directed by the House of Representatives, to inform the Senate that they have passed the bill for the relief of Mary Francis Newnor of the county of Bibb, over the Executive veto by a constitutional majority of 102 yeas to 5 nays, and have directed me to transmit the same to this branch of the General Assembly.

The Senate took up as the report of the committee of whole, the special order, which was :

A bill of the House of Representatives to be entitled an act to appropriate money for the support of Government for the political year 1860, and to make certain other special appropriations and for other purposes.

On motion the same was taken up by sections.

The first and second sections were adopted.

Mr. Holt moved to amend the third section by striking out the part relating to the printing fund, after the words "current year."

Upon agreeing to which, the yeas and nays were required to be recorded, and were yeas 45, nays 46.

Those who voted in the affirmative were Messrs.

Alexander, Bartlett, Billups, Boggs, Bond, Brown, Chester, Delaperrière, Evans, Flewellen, Gartrell, Glover, Hackett, Harris of Dougherty, Harris of Worth, Harvin, Head, Hill of Sumter, Hines, Holt, Hood, Hyde, Ivey, Jamison, Lenoir, McRae, Poole, Quillian, Reid of Taliaferro, Riley, Ritch, Rushin, Sheppard, Smith of Hancock, Snell, Sturges, Tatum, Trippe, Walker, Ward, Whitehurst, Williams of Berrien, Williams of Rabun, Wynne, Young.

Those who voted in the negative were Messrs.

Allred, Atkinson, Barclay, Barrow, Briscoe, Burnett, Carter of Elbert, Collier, Cooper, Cook, Cone, Cowen, Crittenden, Davis, Denham, Green, Grice, Griffin of Brooks, Griffin of Twiggs, Hall, Hightower, Hill of Wilkes, Hitchcock, Hutchins, Johnson of Clayton, Johnson of Cass, Jones, Jordan, King, Lamar, Lawton, Lockhart, Matthews, McGeehee, Moore of Whitfield, Oliver, Robinson, Roberts, Sawyer, Shelton, Shellnut, Smith of Talbot, Summerour, Tracy, White, Wilson.

So the motion to strike out did not prevail.

Mr. Briscoe moved further to amend the third section by inserting after that portion relating to Military Store-

Keeper at Savannah, and the Military Store-Keeper at Milledgeville two hundred dollars for the year 1860, to be drawn by warrant on the Treasury, which was lost.

Mr. Gartrell moved further to amend the third section by striking out fifteen thousand dollars and inserting ten thousand dollars, which was agreed to.

Mr. Matthews moved to amend the fourth section by striking out \$1800 and inserting \$2400 for salary of the Resident Physician of the Lunatic Asylum, which was agreed to.

Mr. Bartlett moved to amend the fifth section by adding the following: And be it further enacted that the sum of two hundred dollars be and the same is hereby appropriated to pay C. J. Wellborn, State Librarian for extra services rendered in preparing a Catalogue of the State Library, and that his Excellency draw his warrant for the same, which was lost.

Mr. Bartlett moved to amend the sixth section by striking out \$3000 each per annum to Irwin, Cobb and Clarke, and inserting \$4000 each for their services during the term for which they may be engaged.

Upon agreeing to which motion the yeas and nays were required to be recorded, and were yeas 37, nays 55.

Those who voted in the affirmative were Messrs.

Allred, Atkinson, Barclay, Bartlett, Cannon, Carter of Echols, Cowen, Glover, Green, Griffin of Twiggs, Hackett, Harris of Worth, Head, Hightower, Hill of Wilkes, Hines, Hood, Hyde, Ivey, Jamison, Lockhart, Poole, Reid of Talliaferro, Riley, Ritch, Roberts, Sawyer, Shelton, Sheppard, Trippe, Walker, Whitehurst, Whitworth, Williams of Berrien, Williams of Rabun, Wilson, Young.

Those who voted in the negative are Messrs :

Alexander, Billups, Boggs, Bond, Briscoe, Brown, Burnett, Carter of Elbert, Chester, Collier, Cooper Cook, Crittenden, Davis, Delaperriere, Evans, Flewellen, Gartrell, Grice, Griffin of Brooks, Hall, Harris of Dougherty, Harvin, Hill of Sumter, Hitchcock, Holt, Hutchins, Johnson of Clayton, Johnson of Cass, Jones, Jordan, King, Lamar, Lawton, Lenoir, Matthews, McGehee, Moore of Whitfield, Oliver, Paine, Printup, Robinson, Rushin, Shellnut, Smith of Hancock, Smith of Talbot, Sturges, Summerour, Tarver, Tatum, Tracy, Wallace, White, Wynne.

So the motion to strike out and insert did not prevail.

Mr. Lenoir moved further to amend the sixth section by striking out \$3000 per annum, and inserting \$2400 per annum, which was agreed to.

Mr. Harris of Worth moved to amend the 8th section by striking out \$500 for D. C. Campbell and inserting \$300, which was agreed to.

The 8th section as amended was agreed to.

The 9th section being read was agreed to.

The 10th section being read, Mr. Lawton moved to amend the same by the following: And that the Senator from Emanuel be allowed full pay from the beginning of the Session, which was agreed to.

The 10th section as amended was agreed to.

The 11th section being read, Mr. Paine moved to amend the same by the following: And to Thomas W. J. Hill Journalizing Clerk of the Senate the like sum of three hundred dollars, which was agreed to.

The 11th section as amended was agreed to.

The 12th section being read was agreed to.

The 13th section being read, Mr. Harris of Worth moved to amend the same by inserting Smith of Twiggs, Tracy and Hill of Sumter, which was agreed to.

The 13th section as amended was agreed to.

The 14th section being read was agreed to.

The 15th section being read was agreed to.

The 16th sec being read, Mr. McGehee moved to amend the same by adding the following:

And be it further enacted, That the sum of three dollars and ninety cents be appropriated to refund to the Chairman of the Joint Committee to make arrangements for thanksgiving day, being the amount paid out by said Chairman, which was agreed to.

The 17th section being read was agreed to.

The 18th section being read, Mr. Gartrell offered the following as a substitute therefor:

And be it further enacted, That the sum of five dollars be, and the same is hereby appropriated to Jesse Oslin for extra services as Messenger of the House of Representatives, which was agreed to.

Mr. Paine moved further to amend the Report by adding the following section:

And be it further enacted, That the sum of (\$100.) dollars be appropriated to the Rev. Dr. Higgins of Collumbus to defray his expenses to and from the Capitol in accordance with a Resolution of the General Assembly to preach the thanksgiving sermon, and that the Senator from Muscogee be authorised to receipt for and receive the same, which was agreed to.

Mr. Alexander moved futher to amend the report by adding the following section:

And be it further enacted, that the sum of ten dollars and seventy cents be appropriated to William McCaw the taxes over paid by him into the State Treasury in 1854, and

that the Governor draw his warrant on the Treasury for the same in favor of S. F. Alexander, Senator from the county of DeKalb, which said appropriation was made at the Session of 1855-6, and reverted to the Treasury by reason of its not having been called for within the time allowed by law, which was agreed to.

Mr. Lawton moved further to amend the report by adding the following section :

Be it further enacted, That the Governor is hereby authorized and requested to draw his warrant on the Treasury in favor of R. L. Hunter, for such sum as may be proper to compensate the said Hunter for services rendered in paying off the members of the Legislature and performing such other duties as may devolve upon him during the illness of the Treasurer, which was agreed to.

Mr. Burnett moved further to amend the report by adding the following section :

And be it further enacted, That the sum of four hundred and fifty-nine dollars be and the same is hereby appropriated to the payment of R. H. Ramsay building commissioner of the Lunatic Asylum for the year 1859.

Upon agreeing to which the yeas and nays were required to be recorded and were yeas 50, nays 40.

Those who voted in the affirmative, were Messrs :

Atkinson, Boggs, Briscoe, Burnett, Cannon, Carter of Echols, Chester, Collier, Cooper, Cook, Cone, Davis, Evans, Flewellen, Gartrell, Griffin of Brooks, Hackett, Harris of Dougherty, Harris of Worth, Harvin, Hill of Sumter, Hill of Wilkes, Holt, Hood, Jamison, Johnson of Clayton, Johnson of Cass, Jones, Jordan, Lamar, Lawton, Lockhart, Matthews, McGehee, McRae, Oliver, Paine, Printup, Reid of Morgan, Robinson, Roberts, Rushin, Shellnut, Smith of Hancock, Smith of Talbot, Summerour, Tracy, Wallace, White, Williams of Berrien.

Those who voted in the negative were Messrs.

Alexander, Allred, Barclay, Bartlett, Batts, Bond, Brown, Cowen, Crittenden, Delaperriere, Glover, Griffin of Twiggs, Hall, Head, Hightower, Hines, Hitchcock, Hutchins, Hyde, Lenoir, Moore of Whitfield, Poole, Quillian, Reid of Taliaferro, Riley, Ritch, Sawyer, Shelton, Sheppard, Sturges, Tarver, Trippe, Walker, Ward, Whitehurst, Whitworth, Williams of Rabun, Wilson, Wynne, Young.

So the motion to amend prevailed.

The hour for adjournment having arrived the President adjourned the Senate until 3 o'clock, P. M.

3 O'CLOCK, P. M.

The Senate met *according* to adjournment.

The Senate resumed the consideration of the unfinished business of the morning, which was, a bill to be entitled an act to appropriate money for the support of the Government for the political year 1860, and to make certain other special appropriations.

Mr. Briscoe moved to amend by the following additional section :

Be it further enacted, That the sum of twenty-four thousand dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated to continue and complete the improvements now in progress at the Penitentiary, the said appropriation to be drawn by warrant on the Treasury in such sums, and at such times in the progress of the work, as the Governor in his discretion, may see fit to allow, provided, that no farther or larger sum shall be used or drawn than is herein specified, and that all the improvements in progress or contemplation shall be fully and entirely completed, without going beyond the limit of appropriation herein designated.

Mr. Riley called for the previous question, upon seconding which, the yeas and nays were recorded. yeas 33, nays 55.

Those who voted in the affirmative were Messrs :

Alexander, Alred, Barclay, Bartlett, Bond, Brown, Carter of Echols, Cowen, Hall, Harvin, Hines, Hood, Hutchins, Hyde, Ivey, Jamison, King, Lamar, Poole, Quillian, Reid of Taliaferro, Riley, Ritch, Roberts, Shelton, Sheppard, Summerour, Tarver, Whitehurst, Whitworth, Williams of Rabun, Wynne, Young.

Those who voted in the negative were Messrs :

Barrow, Batts, Billups, Briscoe, Burnett, Byars, Cannon, Carter of Elbert, Chester, Collier, Cooper, Cook, Cone, Crittenden, Davis, Delapierriere, Denham, Evans, Flewellen, Gartrell, Glover, Grice, Griffin of Brooks, Head, Hightower, Hill of Sumter, Hill of Wilkes, Hitchcock, Holt, Johnson of Clayton, Johnson of Cass, Jones, King, Lawton, Lockhart, Mathews, McLeod, Moore of Whitfield, Oliver, Paine, Reid of Morgan, Robinson, Sawyer, Shellnut, Smith of Hancock, Smith of Talbot, Snell, Sturges, Tracy, Trippe, Walker, Wallace, Ward, Wells, Williams of Berrien.

So the call for the previous question was not seconded.

The amendment was lost.

Mr. Johnson of Clayton moved further to amend the report by appropriating one thousand dollars to the Clayton High School, which was lost.

The report as amended was agreed to, the bill was read the third time and passed.

The following Message was received from the House of Representatives, by Mr. Diamond their Clerk.

Mr. President: The House of Representatives have passed the following bills of the Senate :

A bill for the distribution of the estate of Coleman S. Pringle, late of Pike County, deceased.

A bill to authorize the Governor to grant certain privileges to the Dalton & Gadsden Railroad Companies.

A bill providing for the distribution of intestates estates and for other purposes.

A bill to provide for the manner in which the names of persons may be changed, and for other purposes.

A bill to incorporate the Augusta, Petersburg, and Savannah River Steam and Pole Boat Navigation Company, of North Eastern Georgia.

A bill to abolish the *Senatus Academicus*, and for other purposes.

A bill to incorporate the Chestatee River and Town Creek Hydraulic Hose Mining Company, and the Cavinders Creek, and Wards Creek Hydraulic Hose Mining Company.

Mr. Paine, from the committee on enrollment, reported as duly enrolled, and ready for the signature of the President of the Senate.

An act to incorporate the Stewart Volunteers, and other Volunteer Companies herein mentioned, and to extend to them certain powers and privileges.

Also, an act to incorporate the town of Carnesville, in the county of Franklin, and for other purposes.

Also an act to authorize the consolidation of the stock of the Milledgeville & Gordon Railroad Company, with the Central Railroad & Banking Company of Georgia, also to authorize the consolidation of the stock of the Eatonton Branch Rail Road with the Central Rail Road & Banking Company of Georgia, also an act to authorize an increase of the capital Stock of the said Central Railroad & Banking Company of Georgia, and for other purposes.

On motion of Mr. Tracy, the rules were suspended; and the Senate took up as the report of the committee of the whole,

A bill of the House of Representatives, to be entitled an act to appropriate money to defray the expenses of the pupils of the Georgia Academy for the Blind, and for other purposes.

The report was agreed to, the bill was read the third time and passed.

The Senate took as the report of the committee of the Whole, the following bill of the Senate,

A bill to be entitled an act to provide for the calling of a Convention to reduce the General Assembly

On motion the same was postponed indefinitely.

Leave of absence was granted Mr. Cannon on account of the indisposition of his family.

Leave of absence was granted Messrs. Green, Carter of Elbert, and White, on account of indisposition.

The Senate took up, as the report of the Committee of the Whole,

A bill to be entitled an act to amend an act to incorporate the Timber Cutter's Bank, in the city of Savannah, approved February 26th, 1856.

The report was agreed to, the bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole,

A bill to be entitled an act to change the third, fourth, sixth, and seventh Congressional districts in this State

On motion the same was postponed indefinitely.

The Senate took up as the report of the committee of the whole,

A bill to be entitled an act to authorize Miles G. Broome to practice Medicine, in the treatment of Dropsy, and collect fees for the same.

On motion the same was postponed indefinitely.

The Senate took up as the report of the Committee of the whole, the following bill of the House of Representatives:

A bill to be entitled an act to allow the Superintendents of all elections at precincts without the limits of a city, town, or village, in this State, to close the poles of such election after the hour of four o'clock P. M., and for other purposes.

On motion the same was postponed indefinitely.

The Senate took up as the report of the Committee of the whole, the following bill of the House of Representatives.

A bill to be entitled an act to provide for the biennial election of the principal Teacher of the Georgia Institution for the Deaf and Dumb, and for other purposes.

The Judiciary Committee, to whom the foregoing bill was referred, reported against its passage.

The report was agreed to, the bill was lost.

The Senate took up as the report of the committee of the Whole, the following bill of the House of Representatives :

A bill to be entitled an act to amend the road laws of said State, approved the nineteenth day of December, 1818, and to punish persons for violating the same.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the Committee of the whole, the following bill of the House of Representatives:

A bill to be entitled an act to give the endorsers the control of fi fas and judgments against their principals and prior endorsers in all cases in which the fi fas or judgments have heretofore been, or may hereafter be paid by such endorsers.

The report was agreed to, the bill read the third time and lost.

The Senate took as the report of the committee of the whole, the following bill of the House of Representatives:

A bill to be entitled an act to expedite the progress of certain cases taken up to the Supreme Court by writ of error.

The committee on the Judiciary, to whom the foregoing bill was referred, reported against its passage.

The report was agreed to, and the bill was lost.

Mr. McGehee moved that when the Senate adjourn it adjourn to meet again at 6 ½ o'clock P. M.

The Senate then adjourned until 6 ½ o'clock, P. M.

6½ O'CLOCK, P. M.

The Senate met according to adjournment.

Leave of absence was granted Mr. Wynne for the balance of the session on important business.

On motion the evening session was extended until ten o'clock.

The Senate took up as the report of the Committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act to add an additional section to the 12th division of the Penal Code of this State.

On motion the same was indefinitely postponed.

The Senate took up as the report of the committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act to authorize the Judges of the

Superior Courts of this State, to allow special and petit jurors refreshments in certain cases therein named, &c.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the Committee of the Whole. the following bill of the House of Representatives.

A bill to be entitled an act to provide for the admission in evidence of copy plat and grants.

On motion the same was laid on the table until next session.

The following message was received from the House of Representatives by Mr. Diamond, their Clerk.

Mr. President : The House of Representatives have passed the following bill :

A bill to be entitled an act to change the name of the Southern Central Agricultural Society, and to appropriate money for the benefit of the same.

The following Message was received from His Excellency the Governor by Mr. Waters his Secretary, to wit :

*Mr. President :—*The Governor has signed the following Acts, to-wit :

An act to incorporate the Vernon Shell Road Company, &c.

An act to amend the Charter of the city of Griffin.

An act to authorize the Inferior Court of Early County to levy a Road tax, and for other purposes.

An act to incorporate the Home Guards in Madison, Morgan County, and to grant certain privileges herein specified.

An act to incorporate the Town of Statesville, in Echols County, and to appoint Commissioners of the same, and to point out the mode of of Electing Commissioners and other offices of said Town, and to confer certain powers on the Commissioners thereof, and for other purposes therein mentioned.

An act to incorporate the town of Jonesboro, in the county of Clayton, and to provide for the election of Commissioners, Marshal and Clerk, and for other purposes.

An act to provide and give liens to Stone Cutters and Marble Companies, of this State, to secure payment for their labor.

An act to authorize the administrators of the estate of the late Toliver Jones, of the county of Harris, to sell all the lands belonging to the said estate, lying in the counties of Harris, Muscogee and Talbot, at the Court House in the county of Harris.

An act to incorporate the town of Moultrie in the county of Colquitt, and to confer certain privileges and powers on the commissioners, and to amend the several acts incorporating the city of Rome, and to confer certain powers on the Mayor and Council of the city of Albany, and to amend the act incorporating the town of Monticello, in the county of Jasper, and for other purposes.

An act to allow the Attorney General and Solicitors General, a fee in cases of Peace Warrants.

An act to authorize the consolidation of the Stock of the Milledgeville and Gordon Railroad Company, with the stock of the Central Railroad and Banking Company of Georgia, and also, to authorize the consolidation of the Stock of the Eatonton Branch Railroad, with the stock of the Central Railroad and Banking Company of Georgia, also, to authorize an increase of the capital stock of the said Central Railroad and Banking Company of Georgia, and for other purposes.

An act to repeal an act entitled an act to authorize the election of Marshal for the town of Newnan, in the county of Coweta, in the same way and manner as Commissioners for said town are now elected by law, approved February 17th, 1854.

An act to confer additional powers upon the Mayor and Council of the city of LaGrange, to regulate the rate of taxation in said city, and to grant certain exemptions to the diligent Firemen of LaGrange.

An act to incorporate the Hydraulic Hose Mining Company, of the county of Lumpkin, to incorporate the Etowah and Battle Branch Hydraulic Company, and for other purposes therein specified.

The Senate took up as the report of the committee of the whole, the following bill of the House of Representatives.

A bill to be entitled an act to prohibit the Post Mortum Manumission of slaves.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act to add an additional section to the 1st division of the Penal Code of this State.

The report was agreed to, the Bill was read the third time and lost.

The Senate took up as the report of the committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act to repeal an act amendatory

of the 10th division of the Penal Code of Georgia, and for other purposes.

The report was agreed to, the Bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act to incorporate the Eatonton and Madison Railroad,

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act to abolish the public execution of criminals condemned to death by the laws of Georgia, upon certain conditions, &c., and to provide for their execution in private.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the Committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act to allow and make compensation to the reporter of the Supreme Court for certain volumes of the decisions of said Court furnished by him under the provisions of the act of 1845.

The report was agreed to, and the bill was read a third time and passed.

The Senate took as the report of the committee of the whole, the following bill of the House of Representatives.

A bill to be entitled an act to require securities and endorsers, when they give notice to do so in writing.

The report was agreed to, the bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act to regulate the practice of the Superior Court of this State in certain cases, and for other purposes.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act to change the time of holding the election of county officers in this State.

On motion of Mr. Lawton, the report was amended by

striking out of the 1st section, the words "from and" and inserting "after January 1860" and also, by inserting after the words "county officers except Ordinaries" the words "Judges of Superior Courts, Attorneys and Solicitors," which was agreed to.

The report as amended was agreed to, the bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act to reduce the rates of freight on lime salt Guano, and all other fertilizers carried over the Western and Atlantic Railroad, where the same are to be used exclusively for Agricultural purposes.

On motion the same was postponed indefinitely.

The Senate took up as the report of the committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act to empower Ex-Judges of the Superior Courts to sign bills of exceptions in certain cases.

The Judiciary committee to whom this bill was referred, offered to amend by inserting after the word "expired" the words "or said Judge shall have resigned or been removed," which was agreed to.

The report as amended was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act to prescribe the time of holding elections for members of the Senate in the Congress of the United States, from the State of Georgia.

Mr. Printup, moved to amend the report by striking out "Members of the Senate" and inserting the word "Senators," which was agreed to.

The report, as amended, was agreed to the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act to incorporate the Floyd Cavalry Company, and for other purposes.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act for the relief of Arthur Haire, of the county of Cass.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act to change the lines between the counties of Appling and Coffee.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, the following bill of the House of Representatives.

A bill to be entitled an act for the relief of John W. Cardvell, of the county of Morgan, and Tomlinson Fort of the county of Baldwin, and for other purposes.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act to attach lots of land No. 54 and 55, in the 7th district of Randolph county to the county of Clay.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act to authorize the Inferior Court of Schley county, to levy an extra tax for county purposes.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act to reduce work or roads in the county of Wilcox.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act to authorize Samuel Irwin of the county of Clayton, to practice medicine.

The report was agreed to. The bill was read the third time and passed.

The Senate took up as the report of the Committee of the whole, the following bill of the House of Representatives.

A bill to be entitled an act to regulate the fees of Jurors in Justices Courts, in the counties of Catoosa and Dade.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act to add a part of Montgomery county to Laurens county.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act to prescribe the duty of the Judge of the Superior Court of the county of Stewart in relation to Petit Jurors of said Court, and for other purposes.

The report was agreed to. The bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act to make Justices of the Peace in the several Militia District in the county of Jasper, ex-officio road and patrol commissioners.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the Committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act to change the line between the counties of Coweta and Heard, and to add lot of land No. 54, in the 5th district of originally Lee now Fayette county, to the county of Clayton.

The report was agreed to, the bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act to incorporate the town of Quitman, in Brooks county, and to confer upon the citizens of said town the privilege of electing Town Commissioners with certain powers therein enumerated, and for other purposes therein specified.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the Committee of the Whole, the following bill of the House of Representatives :

A bill to be entitled an act to charter the Port Royal Railroad Company.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole, the following bill of the House of Representatives :

A bill to be entitled an act to amend the Judiciary act of this State, approved the 16th day of February, 1799, as to require the several Clerks of the Superior and Inferior and Corporation Clerks of the county of Richmond, in this State, to enter all appeals of causes tried in any of said courts in a separate book to be provided for that purpose.

The report was agreed to, the bill was read the third time and passed.

The Senate took up, as the report of the committee of the whole, the following bill of the House of Representatives :

A bill to be entitled an act to incorporate the Georgia Hussars, a volunteer military corps of Savannah.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, the following bill of the House of Representatives :

A bill to be entitled an act to reduce the sheriff's bond of the county of Milton.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, the following bill of the House of Representatives :

A bill to be entitled an act to incorporate the Jackson Artillery of the city of Macon, and to authorize the Governor to furnish them with suitable arms and accoutrements and to grant certain immunities and privileges to the members of the same.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, the following bill of the House of Representatives :

A bill to be entitled an act to change the line between the counties of Dawson and Lumpkin so as to include the residence of James Rice in the county of Dawson.

Mr. Riley moved to amend the report by adding the following :

And be it further enacted, That the lot of land on which Thomas Mullinax now lives, in the county of Dawson, be added to the county of Lumpkin, and that the line between the county of Lumpkin and Dawson be so changed as to include said lot in the county of Lumpkin, which was lost. The report was agreed to.

The bill was read the third time and lost.

The Senate took up as the report of the committee of the

whole, the following bill of the House of Representatives:

A bill to be entitled an act to change the times of holding the Superior and Inferior Courts of Upson county.

On motion the same was postponed indefinitely.

The Senate took up as the report of the committee of the whole, the following bill of the House of Representatives:

A bill to be entitled an act to amend the several acts of the General Assembly relating to the Savannah and Albany Railroad Company and the Savannah, Albany and Gulf Railroad Company, and to authorize the said Company to construct branch roads to the boundary line between Georgia and Florida.

Mr. Lawton moved to amend the report by adding the following additional section :

And be it further enacted, That the capital stock issued for the construction of the branch or branches herein before provided for shall be liable to such rate of taxation as may be fixed from time to time for all other property in this State, which was agreed to.

The report was amended and agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, the following bill of the House of Representatives :

A bill to be entitled an act to amend an act entitled an act to abolish imprisonment for debt on certain conditions therein set forth, and for other purposes, assented to Dec. 11th, 1858. and for other purposes.

The Judiciary Committee to whom the foregoing bill was referred, reported against its passage. The report was agreed to and the bill was lost.

The Senate took up as the report of the committee of the whole, the following bill of the House of Representatives:

A bill to be entitled an act to alter and change the county line between the counties of Glasscock and Warren, and to change the residence of Richard H. Clark from the county of Glasscock to the county of Warren, and to take certain lots of land therein named from the county of Macon and add them to the county of Taylor, and for other purposes.

Mr. Sturges moved to amend the report by striking out the first and second sections and part of the caption, which was agreed to.

The report as amended was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, the following bill of the House of Representatives :

A bill to be entitled an act to change the times of holding the Inferior Courts of the counties of Webster and Dade,

and to change the times of holding the Superior Courts of the counties of Richmond and Glynn.

Mr. Sturges moved to amend the report by adding that "the Superior Court of Burke county shall be held on the second Mondays in May and November, instead of the fourth Mondays in said months, as now prescribed by law," which was agreed to.

Mr. Printup moved further to amend the report by adding the following:

And be it further enacted, That the Inferior Courts of the county of Floyd be held on the second Mondays in April and October instead of the second Mondays in May and November, as now required by law, which was agreed to.

The report as amended was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, the following bill of the House of Representatives:

A bill to be entitled an act to incorporate the town of Blackshear, in Pierce county, and to confer upon the citizens of said town the privilege of electing Town Commissioners with certain powers therein enumerated, and for other purposes.

The report was agreed to, the bill read the third time and passed.

The Senate took up as the report of the committee of the whole, the following bill of the House of Representatives:

A bill to be entitled an act to protect the possession of lands of actual residents of the county of Charlton, and for other purposes.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, the following bill of the House of Representatives:

A bill to be entitled an act to authorize the Mayor of the city of St. Marys to hold special courts for summary trial of any dispute or difference between any shipmaster, owner, consignee, or supercargo of any vessel, articulated seamen, or other persons in the corporate limits of said city.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, the following bill of the House of Representatives:

A bill to be entitled an act to incorporate Spring Vale Institute, located in Randolph county, Georgia.

The report was agreed to, the bill was read the third time, and passed.

The Senate took up, as the report of the Committee of the Whole, the following bill of the House of Representatives:

A bill to be entitled an act to provide for the probating of wills by commission from the Ordinary, with interroga-

tories attached, and to make it lawful for the Ordinaries of this State to grant commissions to take testimony by interrogatories in any causes that may be pending in said Courts of Ordinary, under the same restrictions, terms, and conditions as are now prescribed by law for the taking of testimony by commission in the Superior and Inferior Courts of this State, and for other purposes therein mentioned.

On motion, the same was laid on the table for the present.

The Senate took up as the report of the committee of the whole, the following bill of the House of Representatives:

A bill to be entitled an act to incorporate the Hancock Van Guard, an infantry company in the county of Hancock; and also the Hancock Troop of Cavalry of said county, and to incorporate the Jackson Rifles, and for other purposes.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, the following bill of the House of Representatives:

A bill to be entitled an act to incorporate the town of Camilla, in the county of Mitchell, approved March 3d, 1856.

The report was agreed to, the bill read the third time and passed.

The Senate took up as the report of the committee of the Whole, the following bill of the House of Representatives:

A bill to be entitled an act for the relief of James M. Jones of the county of Bibb, executor of the last will and testament of James S. Beall, late of Dooly county, deceased, and for other purposes therein mentioned.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, the following bill of the House of Representatives:

A bill to be entitled an act for the relief of Richard Myrick of Pike county.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, the following bill of the House of Representatives:

A bill to be entitled an act to amend the charter of the town of Washington, in Wilkes county.

Mr. Trippe moved to amend the report by adding the following as an additional section:

Be it further enacted, That the same power which is granted by the first section of this act to the Commissioners of the town of Washington, be and the same is hereby conferred on the Commissioners of the town of Forsyth, in the county

of Monroe, hereafter to be elected, and may be exercised by said Commissioners within the corporate limits of said town of Forsyth, which was agreed to.

The report as amended was agreed to, the bill was read the third and passed.

The Senate took up as the report of the committee of the whole, the following bill of the House of Representatives:

A bill to be entitled an act to incorporate a Mining Company in Carroll county, and in other counties of the State of Georgia.

Mr. Riley moved to amend the report by exempting Lumpkin county from the provisions of this act, which was agreed to.

The report as amended was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, the following bill of the House of Representatives:

A bill to be entitled an act to amend the act establishing the Supreme Court of Georgia.

The Committee on the Judiciary, to whom this bill was referred, reported against its passage.

The report was agreed to and the bill was lost.

The Senate took up as the report of the Committee of the whole, the following bill of the House of Representatives:

A bill to be entitled an act to confer certain powers upon the Judge of the City Court of Savannah, and for other purposes.

Mr. Lawton, moved to amend the report by adding the following,

And whereas the proclamation of his Excellency the Governor, for an election of Solicitor General, of the Eastern Judicial District of this State, was not published thirty days before the first Monday in January 1860; and doubts may arise as to the legality of said election when held.

Be it further enacted, That the election of Solicitor General for the Eastern Judicial District, to be held on the 1st Monday in January 1860, shall be legal, valid and binding notwithstanding the proclamation of the Governor did not issue, and was not published thirty days before said election, and also, to amend the caption of said bill, which was agreed to.

The report, as amended, was agreed to, the bill was read the third time and passed.

The Senate took up the following bills of the House of Representatives, which were severally read the first time:

A bill to be entitled an act to authorize the Ordinary of Habersham and White counties, to pay off all accounts for teaching the poor children previous to the year 1859.

Also, a bill to be entitled an act to authorize the Justices

of the Inferior Court of Muscogee county or a majority of them, to levy an extra tax for certain purposes herein mentioned.

Also, a bill to be entitled an act to regulate testimony of parties in Justices Courts.

Also, a bill to be entitled an act to authorize L. B. Causey of Webster county, as Guardian of Joseph J. Hale minor of James Hale, to settle with his ward, and to make said Joseph J. Hale, competent to contract and be contracted with, sue and be sued, and do all other lawful acts which an adult of right may do.

Also, a bill to be entitled an act to provide for the payment of teachers of poor children in the county of Hall.

Also, a bill to be entitled an act to prevent the shooting, netting and hunting of Partridges, Doves, Snipes, Turkeys, Ducks or other game birds in Richmond county, within certain limits, and for other purposes.

Also, a bill to be entitled an act to incorporate a Medical College in the city of Griffin, to be called the Middle Georgia Medical College.

Also, a bill to be entitled an act to make the Ordinary of Jasper county, ex-officio school commissioner, to require bond of him as, such to prescribe his duties, to authorize the Grand Jurors of said county, to levy an extra tax for school purposes, to select those children entitled to the benefits of the same and to prescribe for the location and government of schools in said county.

Also, a bill to be entitled an act to provide for the proper distribution of the common school fund in the county of Lumpkin, and to provide for the teachers of poor children in Rabun county for 1859.

Also, a bill to be entitled an act to incorporate the Calhoun and Ellijay Turnpike Company, and to confer certain powers and privileges upon the same.

Also, a bill to be entitled an act to incorporate a Volunteer Military Company, in the town of Fort Gaines, and also, the Lincoln Volunteers, and confer upon them certain privileges herein named.

Also, a bill to be entitled an act to legalize the marriage of John G. McMichael with Elizabeth Etheredge, and to exempt them from the penalties of the law for thus marrying.

Also, a bill to be entitled an act to amend the 5th section of an act passed on the 27th January, 1852, entitled an act more effectually to prevent fraud in elections in this State, and to detect and punish the same.

Also, a bill to be entitled an act to discharge W Rogers of the county of Milton, from the trusteeship of the property of Mrs. Ann C. Lenoir and her children, and to vest said

trusteeship in John W. Lenoir, the husband of said Ann C. Lenoir and father of said children, and for other purposes.

Also, a bill to be entitled an act to provide for the payment of Officers presiding at the polls, on elections hereafter to be held in Taliaferro county, and for other purposes therein mentioned.

Also, a bill to be entitled an act to allow the Justices of the Inferior Court of Dawson county, to levy and collect a poor tax for said county, not to exceed twenty five per cent on the general tax.

Also, a bill to be entitled an act to incorporate the South Western Magnetic Telegraph Company, and for other purposes.

Also, a bill to be entitled an act for the relief of M. C. Goodwyn of the county of Pike.

Also, a bill to be entitled an act to compensate James Hamilton, for services rendered this State as commissioner and Surveyor in 1850.

Also, a bill to be entitled an act to allow and authorize the Justices of the Peace in the city of Augusta, to hold their Courts at any place they may designate in said city, and to increase their jurisdiction, and for other purposes.

Also, a bill to be entitled an act to reduce the work on roads in the county of Johnson.

Also, a bill to be entitled an act to authorize Whitmill Horn of the county of Bibb, to practice Medicine and to charge and collect compensation for the same.

Also, a bill to be entitled an act to alter and amend the charter of the city of West Point, and for other purposes.

Also, a bill to be entitled an act to amend an act to provide for the registry of votes, &c., in the city of Augusta, approved February 15th 1856, and to extend the powers of the recorder of said city, in relation to free negroes, and for other purposes.

Also, a bill to be entitled an act to provide for the issuing of summary and compulsory process for witnesses in all criminal causes in this State, upon the conditions therein named.

Also, a bill to be entitled an act to incorporate the town of Powder Spring, the Powder Spring High School in the county of Cobb, the Trenton Cumberland Presbyterian Church in the county of Dade, and to incorporate the village of Bottsford in the county of Sumter, and for other purposes.

Also, a bill to be entitled an act to change the name of the Southern Central Agricultural Society, and to appropriate money for the benefit of the same.

Also, a bill to be entitled an act to incorporate the Cherokee Manufacturing Company, located in Cherokee county,

Georgia, and to define the rights, privileges and liabilities of the same.

Also, a bill to be entitled an act to incorporate the Marietta Paper Mill Company, and for other purposes.

Also, a bill to be entitled an act to authorize the Chairman and Commissioners of the town of Louisville, to tax free persons of color, retailers of spirituous liquors, Billiard tables, Ten pin Alleys, Showmen, Itinerant traders, Hawkers, Pedlers, &c.; to impose a tax upon citizens of the town; to sell whole or parts of streets; to prescribe the time of holding elections for Chairman and Commissioners of the town, and in the event of there being no election, to authorise the old Board to continue in office, and to give them municipal authority over the academy buildings in said town, and to amend an act to incorporate Waresboro.

Also, a bill to be entitled an act to appropriate one hundred and forty dollars to the county of Dawson to supply the deficit in the school fund for the year 1858, and to compel the school commissioners of Franklin and Habersham to pay arrearages due teachers of poor children for the year 1858 out of the school fund of 1859, before paying teachers for 1859.

Also, a bill to be entitled an act for the relief of Johnson P. Wellborn of the county of Union,

Also, A bill to be entitled an act to incorporate the Middle Georgia Telegraph Company, also to change the name of the Dalton and Gadsden Railroad Company to that of the Dalton and Jacksonville Railroad Company, and for other purposes.

Also, a bill to be entitled an act to incorporate the City Gas-light Company in the city of Augusta.

Also, a bill to be entitled an act to provide how fines and forfeitures in criminal cases shall be received and disposed of, and for other purposes therein mentioned,

Also, a bill to be entitled an act to incorporate a bridge, across Flint river in the first district of Pike county.

Also, a bill to be entitled an act to reduce the Sheriff's bond of the county of Johnson,

Also, a bill to be entitled an act to authorize the Ordinary of Marion county to pay over to E. H. Winn, his poor school account for the year 1853; also the Ordinaries of Talbot, Terrell and Clinch counties to pay certain accounts therein specified.

Also, a bill to be entitled an act to compensate managers of elections in Warren, Chattooga and Greene counties, and for other purposes.

Also, a bill to be entitled an act to authorize the Ordinary of DeKalb county to pay over to Wm. A. Stansel the sum of three hundred and forty-eight dollars and ninety

cents, for teaching poor children in said county for the years 1855 and 1856.

Also, a bill to be entitled an act to apportion the representation among the several counties of this State according to the requirements of the Constitution.

Also, a bill to be entitled an act for the relief of John A. Bartlett and Lucinda Ellis, of the county of Bibb; and to legalize their marriage,

Also, a bill to be entitled an act to amend an act approved on the 4th March, 1856, incorporating the Bank of Sparta, to confer certain privileges upon the corporators therein named, and to provide for the construction of a Railroad from Sparta to Tennille or any other point on the Central Railroad.

Also, a bill to be entitled an act to incorporate the Cotton Planter's Bank of LaGrange.

Also, a bill to be entitled an act to extend the time for the Cherokee Volunteers to present their claims under the provisions of an act approved March 3d, 1856; and to authorize the payment of claims for rations and forage furnished to Captain Witcher's Company in 1838.

Also, a bill to be entitled an act to alter and amend an act entitled an act to provide for the education of the children of this State, between certain ages, and to provide an annual sinking fund for the extinguishment of the public debt, assented to December 11, 1858, and for other purposes, so far as relates to the county of Rabun.

Also, an act to be entitled an act to relieve James R. Walker, of the county of Upson, from the liabilities of minority, and for other purposes therein mentioned.

Also, a bill to be entitled an act to alter and amend an act to define and establish the fees of Ordinaries, Clerks of the Superior and Inferior Courts, Sheriffs, Jailors, Justices of the Peace and Constables of this State and for other purposes, so far as relates to the fees of Sheriffs in the counties of Cass, Dade and Chattooga.

Also, a bill to be entitled an act to incorporate the Culverton Academy in Hancock county; Also to incorporate the Union male and female Academy in the county of Greene and to appoint trustees for the same, and for other purposes.

Also, a bill to be entitled an act to alter and amend the Road laws of this State, so far as relates to the counties of Quitman, Stewart, Chattahoochee, Talbot, Gilmer, Miller, Milton, Webster, Bibb, Terrell, Baldwin, Jackson, Floyd, Greene, Troup, Clark, Fulton, Dawson, Burke, Murray, DeKalb and Haralson.

Also, a bill to be entitled an act to authorize the Mayor and Council of the city of LaGrange to levy an extra tax, and for other purposes.

Also, a bill to be entitled an act to alter and amend an act entitled an act to alter and amend the fifteen section of the fourteenth Division of the penal code, approved March 5th, 1856.

Also, a bill to be entitled an act to exempt negroes employed by contractors in the construction of Railroads from liability for work on roads, on certain conditions.

Also, a bill to be entitled an act to add land lot number three hundred and forty-five in the thirteenth district of Thomas county to the county of Colquitt, and to change so far the county lines.

Also, a bill to be entitled an act to require the jailors of the several counties in this State to advertise runaway slaves in one of the public Gazettes published at Milledgeledge, in certain cases. On motion the same was referred to the Committee on the Judiciary.

The Senate took up the following bills of the House of Representatives, which were severally read the second time, and referred to the Committee of the Whole.

A bill to be entitled an act to change the county lines between the counties of Milton and DeKalb, and Milton and Gwinnett, and define the line between the counties of Early and Miller.

Also, a bill to be entitled an act to fix the pay of the Guard of the State Penitentiary in the future.

Also, a bill to be entitled an act to protect and quiet the possession of lands, and to prevent private persons from keeping possession of lands against their landlords after the termination of the lease or term of rent under which such persons may enter upon lands, and for other purposes.

Also, a bill to be entitled an act to amend the Judiciary act of Georgia, so far as relates to the county of McIntosh, and to require magistrates in this State to consolidate suits brought at the same term, between the same parties if the aggregate do not exceed fifty dollars.

Also, a bill to be entitled an act to prescribe the time for the State Printer to furnish the Acts and Journals, and for other purposes therein mentioned.

Also, a bill to be entitled an act to prevent and make penal the betting on elections.

Also, a bill to be entitled an act for the relief of the heirs of Everett Wells deceased.

Also, a bill to be entitled an act to prevent minors from selecting a new Guardian at their own option, upon arriving at fourteen years of age, and for other purposes.

Also, a bill to be entitled an act to confer certain powers upon juries at law.

Also, a bill to be entitled an act for the relief of John T. Martin of the county of Hancock.

Also, a bill to be entitled an act to increase the duties of

the Comptroller General, and to provide compensation for the same, and for other purposes therein named.

Also, a bill to be entitled an act to alter and amend the claim laws of this State, and for other purposes therein mentioned.

Also, a bill to be entitled an act to alter and amend the law of descendants, in cases of persons who are illegitimate, or born out of lawful wedlock dying intestate.

Also, a bill to be entitled an act to amend act to regulate toll bridges, ferries and turnpike roads, approved December 22, 1808, and to prescribe certain penalties for violation of said act:

Also, a bill to be entitled an act to alter and amend an act to amend an act pointing out the mode of collecting a certain description of debts therein mentioned, approved Dec. 19th, 1818, and to extend the provisions of the same so as to embrace corporations, approved Dec. 11th, 1858.

The hour of adjournment having arrived, the President adjourned the Senate until 9 o'clock to-morrow morning.

WEDNESDAY, DECEMBER 14th, 1859.

9 O'CLOCK, A. M.

The Senate met according to adjournment.

Mr. Gartrell, moved to reconsider so much of the Journal of yesterday, as relates to the vote by which,

A bill to be entitled an act to appropriate money for the support of Government for the political year 1860, and to make certain other special appropriations, was passed.

Mr. Johnson of Clayton, called for the previous question which being seconded, the main question was ordered to be put, which was on the motion to reconsider, which motion was lost.

Mr. Harris of worth, moved to reconsider so much of the Journal of yesterday, as relates to the vote by which,

A bill to be entitled an act to provide for the biennial election of the Principal teachers of the Georgia Institution for the Deaf Dumb, and for other purposes, was lost.

Mr. Allred, called for the previous question which being seconded, the main question was ordered to be put, which was on the reconsideration of the bill, which was agreed to.

Mr. Bartlett, moved to reconsider so much of the Journal of yesterday, as relates to the vote by which a bill of the Senate, to be entitled an act to provide for the calling of a

Convention to reduce the General Assembly, was postponed indefinitely.

Upon agreeing to which motion the yeas and nays were recorded, and were yeas 40, nays 56.

Those who voted in the affirmative, were Messrs.

Alexander, Barrow, Bartlett, Billups, Briscoe, Brown, Byars, Carter of Elbert, Cloud, Collier, Cook, Evens, Frew-ellen, Gartrell, Glover, Hall, Head, Hill of Wilkes, Holt, Hood, Johnson of Cass, Jones, Lawton, Lenoir Matthews, McGeehee, Reid of Morgan, Rushin, Sheppard, Smith of Hancock, Smith of Talbot, Sturges, Tarver, Tracy, Trippe, Ustry, Wallace, Ward, Williams of Terrell.

Those who voted in the negative were Messrs.

Allred, Atkinson, Barclay, Batts, Boggs, Bond, Burnett, Carter of Echols, Chester, Cooper, Cone, Cowen, Crittenden, Davis, DeLaperriere Denham, Grice, Griffin of Brooks, Griffin of Twiggs, Hackett, Harris of Worth, Harvin, Hightower, Hines, Hitchcock, Hutchins, Hyde, Ivey, Jamison, Jordon, King, Lamar, Lockhart, McLeod, McRae, Moore of Whitfield, Oliver, Paine, Printup, Quillian, Reid of Taliaferro, Riley, Ritch, Robinson, Roberts, Sawyer, Shelton, Shellnut, Snell, Summerour, Walker, Wells, Whitehurst, Whitworth, Williams of Berrien, Wilson, Young.

So the motion did not prevailed.

Mr. Summerour, moved to reconsider so much of the journal of yesterday as relates to the vote by which,

A bill to be entitled an act to change the line between the counties of Dawson and Lumpkin, so as to include the residence of James Rice in the county of Dawson was lost, which was lost.

Mr. Gartrell. moved to reconsider so much of the Journal of yesterday, as relates to the vote by which,

A bill to be entitled an act to regulate the practice of the Superior Courts of this State, in certain cases, and for other purposes, was passed, which was lost.

Mr. Hood, moved to reconsider so much of the Journal of yesterday, as relates to the vote by which,

A bill to be entitled an act to add an additional section to the 1st division of the Penal Code of this State, was lost, which was agreed to.

Mr. Wallace, moved to reconsider so much of the Journal of yesterday, as relates to the vote by which,

A bill to be entitled an act to expedite the progress of certain cases, taken up to the Supreme Court by writ of error, was lost ; which was lost.

The following message was received from the House of Representatives, by Mr. Diamond, their Clerk.

Mr President: The House of Representatives have passed the following bill:

A bill, to exempt from taxation, certain persons, and for other purposes.

They have also passed the following bills of the Senate:

A bill, to incorporate Checkaro Baptist Church, in the county of Rabun.

A bill, to alter and change the Common School Laws, so far as relates to the county of Walker.

A bill, to authorize the Ordinary of Pike county to pay Teachers of poor children, for the year 1858.

A bill, to amend the charter of the town of Preston.

A bill, to change the line between the counties of Worth and Colquitt.

A bill to change the time of holding the Inferior Court, in the county of Gordon.

A bill, to authorize the Inferior Court of Lumpkin county to levy an extra tax.

A bill, to incorporate the Savannah Mutual Loan Association.

A bill, for the relief of Susan L. B. Goldwire, of the county of Bibb, and William P. Frell, of the county of Troup.

A bill, to prevent delay in the trial of causes in the Courts of this State, and for other purposes.

A bill, to amend the charter of the Georgia Whitepath Gold and Copper Company, approved February 18th, 1856.

A bill, to change the line between the counties of Whitfield and Catoosa.

A bill, to prescribe the qualifications of persons in Early county, for the office of Ordinary, and for other purposes.

A bill, to amend an act to lay out a new county from the counties of Marion and Sumter, assented to December 22nd, 1857, and for other purposes.

A bill, to amend the charter of the city of Dalton.

A bill, to amend the Road Laws of Hancock county.

A bill, to authorize the Ordinaries of the several counties of this State to pay Teachers of poor children, as herein specified.

A bill, to amend the charter of the town of Lumpkin, in Stewart county, and to amend the charter of the city of Dalton.

A bill for the relief of Luke Padget, his heirs and representatives.

A bill, to legalize the purchase of a tract of land, made by

Mrs. Clementina J. Billingslea, Administratrix of James F. Billingslea, deceased, of the county of Greene.

A bill, to incorporate Fulton Female College, in the city of Americus.

A bill to regulate the sale of spirituous liquors, in the town of Elberton.

A bill, to amend the act passed December 11th, 1858, for the education of the children of this State, between certain ages, &c., so far as the county of Echols is concerned.

A bill, to amend an act, assented to December 11th, 1858, providing for the education of the children of this State, &c., so far as relates to the county of Hall.

A bill, to increase the powers of the Inferior Courts of this State, under certain circumstances.

A bill, to incorporate the Hebrew Congregation, in the city of Macon.

A bill, to repeal laws of head rights, so far as they relate to Franklin county.

A bill, to add an unsurveyed strip of land to the county of Early.

A bill, to authorize the Ordinaries of the counties of Butts, Fayette and Harris, to pay certain Teachers of poor children.

A bill, to authorize the county of Thomas to aid in the construction of the South Georgia and Florida Rail Road, and for other purposes therein mentioned.

They have also passed the following bills of the Senate, with amendments thereto, in which they ask the concurrence of this branch of the General Assembly.

A bill, to amend and define an act to provide for the education of the children of this State, between certain ages, and for other purposes, so far as relates to the county of Murray.

A bill, to allow the Ordinaries of the counties of Talbót, Newton, Cobb, Columbia, and Hart, to pay certain Teachers of poor children.

Also a bill, to change the lines between the counties of Baker and Early, so as to include certain lots therein named.

Also a bill, to authorize the Ordinary of the county of Whitfield to pay Teachers of poor children, for the year 1859.

Also a bill, to provide for the election of county Treasurers, in the counties of Berrien, Newton, Baker, Forsyth, Hall, Lumpkin, Ware, Mitchell, Fannin, Paulding, Johnson and Marion.

Also a bill, to extend the corporate limits of the town of

Hamilton, and to give additional powers to the corporation.

Also a bill, to compensate the Sheriff of Jefferson county, for service of supœnas on Grand and Petit Jurors, in said county.

Also a bill, to authorize the Thomaston and Barnesville Rail Road Company, to extend their Rail Road to some point on the Road of the Muscogee Rail Road Company, and for other purposes with an amendment, in which they ask the concurrence of the Senate.

Mr. Paine, from the committee on Enrollment, reported as duly enrolled, and signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate :

An act, to prohibit the *post mortem* manumission of slaves.

The following message was received from the House of Representatives, by Mr. Diamond, their Clerk :

Mr. President : The House of Representatives have passed the following bill of the Senate :

A bill, to pardon John Fundy, of the county of Gwinnett, now under sentence of death for the crime of murder.

Mr. Paine, from the committee on Enrollment, reports as duly enrolled and ready for the signature of the President of the Senate :

An act to amend an act prescribing the manner in which the names of persons may be changed, and persons born illegitimate, may be made legitimate, and to carry into effect the provisions of the Constitution on that subject ; also to prescribe the manner in which children may be adopted, approved March 5th, 1856, so as to extend the provisions of the same to grown persons, as well as to children, and make the consent of the mother sufficient to adoption in certain cases.

Also, an act to abolish the *Senatus Academicus*, and for other purposes.

Also, an act to amend an act entitled an act to amend an act to carry into effect the sixth section of the fourth article of the Constitution, and for other purposes.

Also, an act to authorize the Governor of this State to grant certain privileges to the Dalton and Gadsden Rail Road Company

Also, an act for the distribution of the estate of Coleman S. Pringle, and for other purposes.

Also, an act to incorporate the Augusta, Petersburg and Savannah River Steam and Poll Boat Navigation Company, of North-Eastern Georgia.

Also, an act to incorporate the Chestitee River and Town Creek Hydraulic Hose Mining Company, and for other purposes.

On motion of Mr. Tracy, the Senate took up a bill for the relief of Mary Francis Newnar, which had been vetoed by His Excellency the Governor.

Upon the question, shall this bill now pass over the veto of His Excellency the Governor? the yeas and nays were recorded, and were yeas 81, nays 6.

Those who voted in the affirmative, were Messrs.

Alexander, Allred, Atkinson, Barclay, Barrow, Bartlett, Billups, Boggs, Bond, Briscoe, Brown, Burnett, Byars, Carter of Echols, Cook, Cone, Cowen, Crittenden, Davis, Delaperriere, Denham, Evans, Flewellen, Gartrell, Glover, Griffin of Brooks, Griffin of Twiggs, Hackett, Harris of Worth, Harvin, Head, Hill of Sumter, Hill of Wilkes, Hines, Holt, Hood, Hutchins, Hyde, Ivey, Jamison, Johnson of Cass, Jordan, Lawton, Lenoir, Lockhart, Matthews, McGehee, McLeod, McKee, Moore of Whitfield, Paine, Poole, Printup, Quillian, Reid of Morgan, Reid of Taliaferro, Riley, Ritch, Robinson, Roberts, Rushin, Sawyer, Shellnut, Sheppard, Smith of Hancock, Sturges, Summerour, Tarver, Tracy, Trippe, Usry, Walker, Ward, Wellborn, Wells, Whitehurst, Whitworth, Williams of Berrien, Williams of Terrell, Wilson, Young.

Those who voted in the negative, were Messrs.

Cooper, Hightower, Jones, Oliver, Smith of Talbot, Wallace.

So the bill passed by a Constitutional majority over the veto of His Excellency the Governor.

Mr. Hood asked leave to change the name of John Anderson to John Alexander, in the bill, to be entitled an act to authorize the Ordinary of Butts county to pay Matthew J. Gibson for teaching poor children, in said county; also, to authorize the Ordinary of Fayette county, to pay John T. Wooten for teaching poor children, in said county, and to authorize the Ordinary of Harris county, to pay John Alexander for teaching poor children, in said county, which misnomer occurred only in the engrossed bill; which was granted.

Mr. Paine, from the committee on Enrollment, reported as duly enrolled, signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate:

An act, to reduce the Sheriff's bond in the county of Milton.

Also, an act to reduce the work on Roads, in the county of Wilcox.

Also, an act for the relief of Arthur Haire, of the county of Cass.

Also, an act to amend an act to incorporate the town of Camilla, in the county of Mitchell, approved March 3rd. 1856.

The Senate took up as the report of the committee of the Whole, the following reconsidered bill of the House of Representatives

"A bill to be entitled an act to provide for the Biennial Election of the Principal Teacher of the Georgia Institute for the Deaf and Dumb and for other purposes.

Mr. Harris of Worth called for the previous question, which being seconded, the main question was ordered to be put which was the passage of the bill. The report was agreed to.

Upon the question, "shall this bill now pass?" The yeas and nays were recorded and were yeas 72, nays 12.

Those who voted in the affirmative were Messrs.

Alexander, Alfred, Atkinson, Barclay, Batts, Billups, Boggs, Bond, Briscoe, Brown, Burnett, Byars, Carter of Echols, Cloud, Collier, Cooper, Cone, Crittenden, Davis, DeLapierre, Denham, Evans, Gartrell, Glover, Grice, Griffin of Brooks, Griffin of Twiggs, Hackett, Harris of Worth, Head, Hightower, Hill of Wilkes, Hitchcock, Holt, Hutchins, Hyde, Ivey, Jamison, Johnson of Cass, Jordan, King, Lamar, Lenoir, Lockhart, McGehee, McLeod, Poole, Quillian, Reid of Morgan, Reid of Talladega, Riley, Ritch, Robinsen, Rushin, Sawyer, Shelton, Shellnut, Smith of Hancock, Smith of Talbot, Snell, Sturges, Summerour, Tracy, Trippe, Uresy, Walker, Wallace, Wellborn, Wells, Whitehurst, Whitworth, Williams of Terrell, Young.

Those who voted in the negative, were Messrs.

Cook, Hall, Hood, Jones, Matthews, McRea, Moore of Whitfield, Oliver, Roberts, Sheppard, Tarver, Wilson.

So the bill was passed.

The following Message was received from his Excellency the Governor, by Mr. Waters, his Secretary, to-wit :

Mr President: I am directed by the Governor to return to this branch of the General Assembly in which they originated the following bills to-wit :

A bill to confer certain privileges upon Julius A. Cade of

Chattahoochee county, to make lawful his acts, and give him authority to transact business as though he was twenty-one years of age, and for other purposes.

A bill to change the line between the counties of Floyd and Polk.

And a bill to compensate the Grand and Petit Jurors of the counties of Dougherty, Paulding, Terrell and Meriwether, and Petit Jurors of the counties of Marion and Putnam, and provide for the same. Accompanied by a communication in writing in reference to each.

On motion of Mr. Cone, the following communications in writing from His Excellency the Governor were taken up and read:

EXECUTIVE DEPARTMENT, }
Milledgeville, Ga., Dec. 14th, 1859. }

To the Senate :

I cannot approve the bill, entitled "an act to confer certain privileges upon Julius A. Cade, of Chattahoochee county ; to make lawful his acts, and give him authority to transact business as though he was twenty-one years of age, and for other purposes."

The object of this bill seems to be to give to Julius A. Cade, a minor, all the privileges and subject him to all the liabilities of an adult person, and to permit a Guardian to settle with his minor ward.

It is necessary in every well regulated Government, that there be some fixed period in human life at which the disabilities of youth shall cease, and the privileges and liabilities of manhood shall commence.

The time fixed by our law is when the minor shall attain the age of twenty-one years. This is a safe rule, general in its application, and sanctioned by the wisdom of ages, and ought not in my opinion to be disturbed. If we begin to make exceptions to the rule, a large portion of the time of the Legislature will in future be taken up in this kind of special or individual legislation, to the delay and hindrance of other more important business, and at a heavy cost to the State. Experience is teaching us every day how very unwisely we act, when we establish by Legislation these individual exceptions to wholesome general rules. The youth of our country are quite enough inclined to assume the position of manhood prematurely, without special legislative encouragement.

If we admit that there are special reasons which would justify the departure from the rule in this particular case, we must not forget that there will be no end to these applications, when the precedent of disregarding the rule is once established. Time will soon do for this young gentleman what it is now proposed to do for him by legislation, without

infringing any wholesome rule of law. There are objections no less weighty to the establishment of a rule that guardians may settle with minor wards. Every fashionable young gentleman in the State, who is not yet twenty-one and whose father has left him a little property, is looking with some anxiety to the time when he will take it under his own control. It is often spent fast enough after he attains the age of twenty-one. Give him the control of it at eighteen or twenty, and it may not last him till he is twenty-one. Again, it would often be true that a shrewd, crafty guardian would prefer to settle with boys, as he might make better terms with them than he could with men. It may be said that none of these objections apply to this particular case. I will not say that they do; but they might apply to the next one.

Establish the precedent and break down the general rule, and all these evils will soon occur in the practice that will follow. I deprecate all this sort of unwise, special, and individual legislation, and shall continue to do all in my power to discourage it.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT. }
Milledgeville, Ga., Dec., 14th, 1859. }

To the Senate :

I return without my sanction a bill entitled an act "to compensate the Grand and Petit Jurors of the counties of Dougherty, Paulding, Terrell, Meriwether, and Petit Jurors of the counties of Marion and Putnam, and to provide for the same."

There is a general law in this State which fully meets the necessities of these cases, without the passage of a special act for that purpose. The act of 27th February, 1856, is in these words: "That from and after the passage of this act, it shall and may be lawful for the Justices of the Inferior Courts of the *several counties* in this State, and they are hereby authorized upon the recommendation of the Grand Juries of the several counties aforesaid to assess and raise a tax for the reasonable compensation of the Grand and Petit Jurors, or Grand or Petit Jurors, and at their pleasure to discontinue the same, and again, to resume and re-assess said tax upon the recommendation aforesaid; the jury and confession fees in each case to be paid into the county fund for that purpose."

This general law gives the Inferior Court of each county, upon the recommendation of the Grand Jury, ample power to levy and collect a tax for compensation of the Grand and Petit Jurors, or Grand or Petit Jurors. The Justices of the Inferior Court, and Grand Jurors are supposed to be acquainted with the condition of the finances of the county.

and with the wants of the people of the county, and have ample power in the premises.

When we have a general law applicable to all the counties of the State, it would seem to be unwise for the legislature to pass a special law for each county, relating to the same subject matter, and conferring the same powers and privileges. It would, I think, in such cases be much better to avoid this special legislation, which is useless, and leave each county to act under the general law.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT, }
Milledgeville, Ga., Dec. 14th, 1859. }

To the Senate :

I return without approval, a bill entitled "an act to change the line between the counties of Floyd and Polk."

The bill proposes to add the lot of land on which Newton I. Tumlin resides, to the county of Floyd.

It does not appear from the bill, that this lot of land lies upon the county line, and the bill does not give the number of the lot on which Mr. Tumlin resides; should a crime be committed on this lot, or a litigation arise about the title, or an action for trespass, be instituted twenty years hence, it might not be possible to prove who lived on the lot at the date of the passage of this bill. The bill does not, therefore, define the county line if the proposed change is made; and is on this account objectionable. The line should be so defined by the bill itself, that a surveyor could, at any future time, by reference to the act, run out the line.

JOSEPH E. BROWN.

On motion the rules were suspended and the Senate took up the following bill of the House of Representatives which was read the second time and referred to the Committee on Agriculture :

"A bill to be entitled an act to change the name of the Southern Central Agricultural Society and to appropriate money for the benefit of the same.

The following Message was received from the House of Representatives by Mr. Diamond, their Clerk.

Mr. President :—The House of Representatives have concurred in the amendment of the Senate to a bill to appropriate money for the support of Government for the political year 1860—with the exception of the amendment reducing the salary of the Commissioners elected to codify the Laws of Georgia, in which they refuse to concur.

Mr. Moore of Whitfield, from the committee on enrollment, reported as duly enrolled, signed by the the Speaker of the House of Representatives, and ready for the signature of the President of the Senate.

An act to attach lots of land number fifty-four and fifty-five in the seventh District of Randolph county to the county of Clay.

Also, an act to appropriate money to defray the expenses of the Pupils of the Georgia Academy for the Blind, and to provide furniture apparatus and books for said Academy.

Also, an act to authorize Samuel Irwin, of the county of Clayton, to practice medicine on the Hydropathic system, and to charge for the same.

Also, an act to add a part of Montgomery county to Laurens county.

The Senate took up the following bills of the Senate which had been amended in the House of Representatives :

A bill to be entitled an act to alter and amend and define an act to provide for the education of the children of this State between certain ages, assented to Dec. 11th 1858, and for other purposes herein mentioned, so far as relates to the county of Murray.

On motion the amendments were concurred in.

Also, a bill to be entitled an act to authorize the Ordinary of Whitfield county to pay teachers of poor children for the year 1859.

On motion the amendment was concurred in.

Also a bill to be entitled an act to compensate the Sheriffs of Jefferson county for service of subpoenas on Grand and Petit Jurors of said county.

On motion the amendment was concurred in.

Also, a bill to be entitled an act to authorize the Thomaston and Barnesville Railroad Company to construct and extend their Railroad to some point on the Railroad of the Muscogee Railroad Company, and to authorize and empower the Muscogee Railroad Company, by and with the consent of the Thomaston & Barnesville Railroad Company, first being had thereto, to extend their Railroad from some convenient point on their Railroad to Thomaston, in Upson county, and for other purposes herein mentioned.

On motion the amendments were concurred in.

Also, a bill to be entitled an act to extend the corporate limits of the town of Hamilton, in Harris county, to create and give additional powers to the corporate authorities of said town.

On motion the amendment was disagreed to.

Also, a bill to be entitled an act to allow the Ordinaries of

the counties of Talbot, Newton, Cobb, Columbia and Hart, to pay certain teachers for teaching poor children in said counties, and for other purposes.

On motion the amendment was concurred in.

Also, a bill to be entitled an act to provide for the election of County Treasurer in the counties of Berrien, Newton, Baker, Forsyth, Hall, Lumpkin, Ware, Mitchell, Fannin, Paulding, Johnson, and Marion.

On motion the amendments of the House were concurred in.

Also, a bill to be entitled an act to change the line between the counties of Baker and Early, so as to include lot of land number three hundred and ninety-two, in the seventh district of Baker, in the county of Early.

On motion the amendments of the House were concurred in.

Mr. Briscoe, from the committee on enrollment, reported as duly enrolled, signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate.

An act to provide for the bi-ennial election of the principal Teacher of the Georgia Institution for the Deaf and Dumb, and for other purposes.

The Senate took up as the report of the committee of the whole, the following bill of the House of Representatives :

A bill to be entitled an act to incorporate the town of Sylvania and Scarborough, in the county of Screven, and to amend the charter of the city of Atlanta.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, the following bill of the House of Representatives :

A bill to be entitled an act to amend an act to regulate toll bridges, ferries, and turnpike roads, approved December 22nd, 1808, and to prescribe certain penalties for violation of said act.

The report was agreed to, the bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole, the following bill of the House of Representatives :

A bill to be entitled an act to prevent the firing of woods between the first day of May, and the first day of February in each and every year in the counties of Echols and Clinch and for purposes.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the Committee of the Whole, the following bill of the House of Representatives:

A bill to be entitled an act to alter and amend an act pointing out the mode of collecting a certain description of debts therein mentioned, approved Dec. 19th, 1818, and to extend the provisions of the same, so as to embrace corporations, approved Dec. 11th, 1858.

The report was agreed to, the bill was read the third time and passed.

Mr. Cone moved that the morning Session be prolonged until 1 ½ o'clock, which was agreed to.

The Senate took up as the report of the Committee of the Whole, the following bill of the House of Representatives:

A bill to be entitled an act to amend an act entitled an act to amend the rent laws of this State, and for other purposes.

Mr. Collier moved to amend the report by adding an additional section, which was agreed to.

The report as amended was agreed to, the bill was read the third time, and on the question, "shall this bill now pass?" the yeas and nays were recorded, and were yeas 20, nays 53.

Those who voted in the affirmative were Messrs :

Alexander, Bartlett, Boggs, Brown, Collier, Cook, Cowen, Hackett, Hill of Wilkes, Holt, Johnson of Cass, Lenoir, Printup, Smith of Hancock, Smith of Talbot, Trippe, Wallace, Wellborn, Whitehurst, Whitworth, Williams of Terrell.

Those who voted in the negative were Messrs :

Allred, Barclay, Barrow, Batts, Rillups, Bond, Briscoe, Burnett, Byars, Carter of Echols, Chester, Cooper, Cone, Davis, Delapierre, Denham, Evans, Flewellen, Gartrell, Glover, Grice, Griffin of Brooks, Hall, Head, Hightower, Hitchcock, Hutchins, Hyde, Ivey, Jamison, Jones, King, Lockhart, Mathews, McGehee, McRea, Oliver, Poole, Quillian, Reid of Morgan, Riley, Robinson, Rushin, Sawyer, Shelton, Shellnut, Snell, Sturges, Tarver, Tracy, Usry, Walker, Wells, Wilson, Young.

So the bill was lost.

The Senate took as the report of the committee of the whole, the following bill of the House of Representatives :

A bill to be entitled an act to repeal an act entitled an act to regulate the testimony of attorneys at law

Mr. Trippe moved to amend the report by adding the following proviso :

Provided, nevertheless, no attorney at law shall be allowed to give evidence of any fact, admission, or confession, which has come to his knowledge by the admission or confession of the opposite party, after he had been employed as counsel in the case, which was agreed to.

The report as amended was agreed to, the bill was read the third time and passed.

The Senate took up the bill of the House of Representatives to appropriate money for the support of government for the political year 1860, and the amendment of the Senate to the sixth section of the same, to strike out \$3000 and insert in lieu thereof \$2400 per annum, which amendment the House of Representatives refused to concur in.

Mr. Collier moved that the Senate recede from its amendment.

Pending which the hour of adjournment having arrived, the President adjourned the Senate until 3 o'clock P. M.

3 O'CLOCK, P. M.

The Senate met according to adjournment.

The Senate resumed the consideration of the unfinished business of the morning, which was a motion to recede from an amendment to a bill of the House, appropriating money for support of government for the year 1860.

Upon agreeing to which motion the yeas and nays were recorded, and were yeas 57, nays 21.

Those who voted in the affirmative were Messrs :

Alred, Atkinson, Barrow, Batts, Boggs, Briscoe, Burnett, Byars, Carter of Echols, Chester, Collier, Cooper, Cook, Cone, Cowen, Crittenden, Denham, Evans, Flewellen, Gartrell, Grice, Griffin of Brooks, Hall, Harris of Worth, Harvin, Head, Hightower, Hill of Wilkes, Holt, Hutchins, Johnson of Cass, Jones, King, Lamar, Lawton, Mathews, Moore of Whitfield, Oliver, Paine, Printup, Robinson, Roberts, Rushin, Sawyer, Shelton, Shellnuc, Smith of Hancock, Smith of Talbot, Snell, Sturges, Summerour, Tarver, Tracy, Wallace, Ward, Wellborn, Whitworth, Williams of Berrien, Young.

Those who voted in the negative were Messrs :

Bartlett, Bond, Brown, Davis, Glover, Hines, Hitchcock,

Hood, Hyde, Ivey, Lenoir, Lockhart, McRea, Quillian, Reid of Taliaferro, Ritch, Sheppard, Trippe, Walker, Whitehurst, Williams of Terrell, Wilson.

So the motion to recede prevailed.

Mr. Briscoe, from the committee on enrollment, reported as duly enrolled, and ready for the signature of the President of the Senate.

An act to add an additional section to an act to appoint the persons therein named, commissioners of the town of Preston, &c., assented to December 22nd 1857

An act to repeal all laws relating to head rights, so far as they may apply to Franklin county.

Also an act to authorize the Ordinary of Pike county to pay teachers of poor children, for the year 1858, and for other purposes.

Also, an act to alter and change the common school laws so far as relates to Walker county.

Also an act to change and alter the lines between the counties of Worth and Colquitt.

Also, an act for the purpose of attaching a strip of unsurveyed land, lying between the fourth and sixth districts of originally Early county, to the county of Early, and for other purposes.

Also, an act to incorporate the Chicharo Baptist Church in Rabun county.

Also, an act to prevent delays in the trials of causes in the courts of this State, in consequence of the death of the parties, and parties to be made in certain circumstances.

Also, an act to legalize the purchase of a tract of land, made by Mrs. Clementina J. Billingslea, administratrix of James F. Billingslea, deceased, of Greene county

Also, an act for the relief of Susan S. B. Godwine, of Bibb county, and William P. Freel, of Troup county.

Also an act changing the time of holding the Inferior Court of Gordon county.

Also, an act for the relief of Luke Paget, his heirs and Representatives.

Also, an act to prescribe and define the qualifications of persons in Early county, for the office of Ordinary, and to remove certain disabilities under existing laws, &c.

Also, an act to incorporate the Savannah Mutual Loan Association.

Also, an act to give to the Inferior Courts of the different counties of this State, power to appoint some fit and proper person to receive and receipt for the amount of money their respective counties may be entitled to, under an act to provide for the education of the children of this State.

Also, an act to repeal the second section of an act entitled

an act to provide for the education of the children of this State between certain ages, and to provide an annual sinking fund for the extinguishment of the public debt, so far as the county of Echols is concerned, and for other purposes.

Also, an act to regulate the sale and use of spirituous liquors and intoxicating drinks, within the corporate limits of the town of Elberton.

Also, an act to amend an act entitled an act to lay out and form a new county out of the counties of Marion and Sunter, and to organize the same, assented to December 22nd, 1857, also to change the county lines.

Also, an act to incorporate the Hebrew Congregation, in the city of Macon.

Also, an act to amend an act entitled an act to incorporate the town of Dalton, under the name and style of the city of Dalton.

Also, an act to require the Ordinary of the county of Worth to pay John Everett's account for teaching poor children of said county, in the years 1857 & '58, and authorize the Ordinaries of the several counties of this State to pay the amount due teachers of poor children in their respective counties.

Also, an act to authorize the Justices of the Inferior Court of Lumpkin county, or a majority of them, to levy an extra tax for the purpose of repairing the Court House.

Also, an act to authorize Thomas county to aid in the construction of the South Georgia and Florida Railroad.

Also, an act to pardon John Fundy, under the sentence of death for the crime of murder.

Also, an act to authorize the Inferior Court of Hancock county to compel the hands subject to road duty in any one district in said county to perform duty in any one adjoining district.

Also, an act to provide for the education of the children of this State between certain ages, and provide an annual sinking fund for the extinguishment of the public debt, assented to Dec. 11th, 1858, so far as the same relates to Hall county.

Also, an act to incorporate the Fulow Female College, in the city of Americus and incorporate Trustees for the same.

Also, an act to change the line between the counties of Whitfield and Catoosa.

Also an act to amend an act entitled an act to incorporate the Georgia Whitpath Gold Company, and Copper Company, approved Feb. 18th, 1857.

Also, an act to unite and put in force the 3rd and 4th sections of an act to incorporate the town of Lumpkin, in Stewart county, approved January 17th, 1850, to add addi-

tional sections thereto, and to amend the charter of the city of Dalton.

Also, an act to authorize the Ordinary of Butts county to pay to Mathew J. Gibson, for teaching poor children in said county, and for other purposes.

The following message was received from His Excellency the Governor by Mr. Waters, his Secretary, to wit :

Mr. President :—The Governor has signed the following acts, to wit :

An act to suspend a part of the eighth section of an act entitled an act to provide for the education of the children of this State between certain ages, and to provide an annual sinking fund for the extinguishment of the public debt for the year 1859, so far as relates to the counties of Greene and Baldwin, and to authorize the Ordinaries of said counties to pay certain teachers, and for other purposes.

An act to change the time of holding the Superior Courts of the county of Pierce.

An act to change the name of the Planters' and Mechanics' Bank of Dalton.

An act to amend an act entitled an act to provide for the education of the children of this State between certain ages, and to provide an annual sinking fund for the extinguishment of the public debt, assented to December 11th, 1858, so far as the same relates to the county of Hall.

An act to alter and amend the several acts relative to the probate of wills, granting letters testamentary and of administration, and for other purposes.

An act to reduce the sheriff's bond in the county of Irwin, and for other purposes.

An act to amend the 13th section of the 13th division of the Penal Code of the State of Georgia, so as to increase the penalty for selling and furnishing intoxicating liquors to slaves and free persons of color.

An act to change the line between the counties of Elbert and Hart.

An act to authorize Jurors to assess damages in matters of illegality upon certain conditions.

An act for the relief of William D. Rigdon of Charlton county, and for other purposes.

An act to compensate the sheriff of Franklin county for summoning grand and petit jurors of said county, and for other purposes.

An act to legalize and enforce the operation of the Board of Police for the 15th Dist., G. M., of the county of Liberty, and for other purposes.

An act to incorporate the Planters' Railroad Company.

and to incorporate the Bainbridge and Florida Railroad Company, and for other purposes.

An act to add an additional section to the eleventh division of the Penal Code.

An act to regulate the agencies of foreign insurance companies, and to provide for the appointment of an insurance commissioner.

An act to define and declare the jurisdiction of the Courts of this State in suits against railroad companies.

And an act to authorize the construction of a railroad from Barnesville, in the county of Pike, to the city of Brunswick, in the county of Glynn, or any other seaport on the Atlantic coast of this State, with a recognition of the vested rights granted in other railroad charters by the Legislature of the State, and to protect its rights and defend its liabilities; also to amend the charter of the Georgia Western Railroad Company, and for other purposes therein mentioned.

The following Message was received from the House of Representatives by Mr. Diamond, their Clerk:

Mr. President: The House of Representatives have passed the following bills of the Senate:

A bill to define and enlarge the duties of Treasurer of the several counties of this State.

A bill to amend an act to incorporate the Georgia and Alabama Railroad Company, &c., approved Feb. 18th, 1854.

A bill for the relief of John Farmer and William Stoll, securities on the appearance bond of Newton Freeman, of the county of Gilmer.

A bill to alter the tax laws of this State.

A bill to consolidate the offices of Clerk of the Superior and Inferior Court of the county of Chattooga.

A bill for the relief of James Karr, Robert Orr and Elias Payne of the county of Forsyth.

A bill to amend an act entitled an act to incorporate the Indian Spring Railroad Company, approved Jan. 22d, 1852.

A bill to confer certain privileges upon Charles Greene.

A bill to repeal an act entitled an act to consolidate the offices of Tax Collector and Receiver of Tax Returns for the county of Haralson, assented to Dec. 11th, 1858.

A bill to amend an act in reference to the granting divorces, approved December 5th, 1806.

A bill to amend the charter of a bank in the city of Atlanta called the Bank of Fulton.

A bill to extend the civil jurisdiction of the Justices of the Peace in that part of the county of Chatham embraced within the city of Savannah.

A bill to declare the true intent and meaning of the twentieth section of an act entitled an act to carry into

effect the amended constitution in reference to Ordinaries of said State and for other purposes.

A bill for the relief of William S. Rackley and Eliza A. Rackley, formerly Eliza A. Brazwell of Decatur, and for other purposes.

A bill to require the Ordinary of Worth county to pay Isaac R. Porter's accounts for tuition of poor children in said county.

A bill to declare the meaning and intention of an act amendatory of an act to exempt from levy and sale, under execution, certain property therein mentioned, assented to December 22d, 1857.

A bill to incorporate the Pulaski Insurance Company of Hawkinsville, Georgia.

They have also passed the following bills of the Senate with amendments thereto, in which they ask the concurrence of this branch of the General Assembly.

A bill to amend and interpret an act approved March 5th, 1856, relative to the payment of accounts of teachers of poor children.

A bill to authorize the Ordinary of the county of DeKalb to pay arrearages due J. F. Buchanan, (a teacher of poor children in said county,) for the year 1853.

They have also adopted a resolution in relation to the pardon of Thomas C. Whitworth of the county of Chattooga, now under sentence of death for the crime of murder.

The Senate took up, as the report of the Committee of the Whole, the following bill of the House of Representatives:

A bill to be entitled an act to incorporate the Mutual Building and Loan Association of Columbus.

Mr. Collier moved to amend the report by adding additional sections incorporating the Phoenix Loan and Building Association in the city of Atlanta, which was agreed to.

Mr. Holt moved further to amend the report by adding the following additional section:

Be it further enacted, That the charter of said Company may be changed or repealed at pleasure by the General Assembly of this State, which was agreed to.

The report as amended, was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, the following bill of the House of Representatives:

A bill to be entitled an act to constitute the town of Cuthbert, Randolph county, a city, and for other purposes.

Mr. Harris of Worth, moved to amend the report by striking out in the third section the word "one" and inserting "two," which was agreed to.

The report as amended was agreed to, the bill was read the third time and passed.

Mr. Printup moved that when the Senate adjourn it meet again at 6½ o'clock P M., which was agreed to.

The Senate took up as the report of the committee of the whole, the following bill of the House of Representatives:

A bill to be entitled an act to incorporate the Georgia Grays of the city of Columbus, and to extend to them certain privileges.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, the following bill of the House of Representatives:

A bill to be entitled an act to amend the thirty-fifth section of the fourteenth division of the Penal Code. The report was agreed to.

The bill was read the third time, and on motion, the same was postponed indefinitely.

The Senate took up as the report of the committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act to levy a tax on all goods, peddled in this State or sale, by sample or otherwise by itinerant drummers or other persons. and for other purposes.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act to alter and amend the second section of an act, approved January 21st, 1852, and for other purposes therein mentioned.

The report was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act to incorporate the Baltimore and Savannah Steamship Company.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the Committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act for the relief of Sterling S. Jenkins, of the county of Merriwether.

Mr. Wallace, moved to amend the report by extending the provisions of this act to Joshua Tennison of Macon county and others, which was lost.

The report was then agreed to, the bill was read the third time and passed.

The Senate took up as the report of the Committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act to incorporate the Richmond Fire Company No. seven, and for other purposes.

The report was agreed to, the Bill was read the third time and passed.

The Senate took up, as the report of the committee of the whole, the following bill of the House of Representatives.

A bill to be entitled an act to alter and amend the charter of the Gulf and Atlantic Railroad Company, and to locate the west end of said Road.

The report was agreed to the bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled on act for the relief the Wilson. W. Poe, of the county of Early.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the Committee of the whole, the following bill of the House of Representatives.

A bill to be entitled an act to amend an act to authorize the issuing of attachments and garnishments, and to regulate the proceeding in relation to the same, and for other purposes therein mentioned, approved March 4th, 1856, and to extend the provisions of the same.

On motion the same was referred to the committee on the Judiciary.

The Senate took up as the report of the committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act to amend an act incorporating the Madison Presbyterian Church, so far as relates to the filling the vacancies of Trustees, assented to, the 7th December, 1851.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the Committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act to authorize the Justices of the Inferior Court of Sumter county, to levy an extra tax for county purposes.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the

Whole, the following bill of the House of Representatives.

A bill to be entitled an act to regulate the sale of spirituous liquors in the county of Stewart, and for other purposes.

The report was agreed to, the bill was read the third time, and passed.

The Senate took up as the report of the committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act to amend the incorporation of the Savannah Volunteer Guard of the city of Savannah.

Mr. Lawton, moved to amend the report by adding after the words "property acquired by the Savannah Volunteer Guards," the words "Republican Blues" in the 1st section, which was agreed to.

The report as amended was agreed to, The bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act to amend an act entitled an act to amend the road laws of this State, so far as relates to the county of Coffee, approved 1st March, 1856, so as to apply the provisions of said act to the county of Clinch.

The report was agreed to. The Bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act to incorporate the Gate City Guard of Atlanta, and to grant certain immunities and privileges to the members of the same.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act to incorporate the Owl Town and Coosa Creek Mining Company, and for other purposes therein mentioned.

Mr. Collier, moved to amend the report by adding additional sections incorporating the Masonic Hall Company in the city of Atlanta, which was agreed to.

The report as amended was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the

whole, the following bill of the House of Representatives.

A bill to be entitled an act to add a part of the county of Gilmer to the county of Fannin, and to change the lines between the counties of Troup and Merriwether, and Troup and Harris, and for other purposes therein mentioned.

Mr. Hood moved to amend the report by striking out the third section, and to amend the caption to suit the bill, which was agreed to.

The report as amended was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act to amend an act entitled an act, to define the liabilities of the several Railroad Companies of this State, for injury to persons or property, and to prescribe in what counties they may be sued and have served with process, approved March the 5th, 1856, and for other purposes.

On motion, the same was indefinitely postponed.

The Senate took up as the report of the Committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act to amend the first section of an act to add an additional section to the tenth division of the Penal Code, and for other purposes, assented to the 21st day of Dec. 1857.

On motion the same was indefinitely postponed.

The Senate took up as the report of the Committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act for the relief of John S. Carpenter, late Tax Collector of the county of Montgomery.

On motion the same was postponed indefinitely.

The Senate took up as the report of the committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act to alter and change the law imposing a tax on shows, so far as relates to the county of Walker.

The report was agreed to, the bill was read the third time and lost.

The Senate took up as the report of the committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act to amend an act entitled an act authorizing the arrest by the Marshal of the village of Sparta without warrant and the confinement in the common Jail of the county of Hancock of all persons violating

the laws passed by the Commissioners of said village against drunkenness and other gross and immoral conduct in said village and for other purposes, assented to December 11th, 1856.

Mr. Smith of Hancock moved to amend the report by adding two additional Sections in reference to the granting of license for retailing spirituous liquors,

Which were agreed to,

The report as amended was agreed to, the bill was read the third time and passed.

Mr. Gartrell from Committee on Journals made the following report.

The committee on journals beg leave to report that they have carefully examined and compared the journals with the records and take pleasure in saying that they find that the duties of the clerks in this department have been discharged with great accuracy, neatness, and fidelity that the records submitted to them are unsurpassed in beauty, style and penmanship and in consequence of business yet to be disposed of recommend the passage of the following resolution.

Resolved, that the recording clerks of the Senate, be allowed forty days to record the journals and twenty-five days to make a full and complete index to the same and that the Senator from Baldwin be, and he is hereby appointed to examine and report upon the Journals on the completion of the same and that the Governor be requested to compensate him for such service from the contingent fund.

On motion of Mr. Gartrell, the foregoing resolution was taken up.

Pending the consideration of which, the hour of adjournment having arrived, the President adjourned the Senate until 6½ o'clock P. M.

EVENING SESSION,

6½ O'CLOCK, P. M.

The Senate met, according to adjournment.

The Senate resumed the consideration of the unfinished business of the afternoon, which was a resolution, reported

by the chairman of the committee on Journals, relative to extra pay for the Recording Clerks.

Mr. Holt moved to amend the resolution, by striking out "forty," and inserting "thirty," and by striking out "twenty-five," and inserting "ten," which was agreed to.

The resolution as amended was agreed to.

In accordance with a resolution to appoint a joint committee to examine the code of Georgia, in preparation, and report at the next session of the General Assembly, the President appointed Messrs. Lawton, Holt, Printup, Sturges, and Harris, of Worth, as the committee, on part of the Senate.

On motion of Mr. Holt, Mr. Guerrey, the President of the Senate was added to the committee.

The Senate took up, as the report of the Committee of the Whole, the following bill of the House of Representatives:

A bill, to be entitled an act to alter and amend the third section of the first article, and the second section of the second article of the Constitution of the State of Georgia.

The report was agreed to upon the question, shall this bill now pass? the yeas and nays were recorded, and were yeas 67, nays 9.

Those who voted in the affirmative were Messrs.

Alexander, Allred, Barclay, Bartlett, Boggs, Bond, Briscoe, Brown, Chester, Collier, Cooper, Cook, Cowen, Crittenden, Davis, Denham, Evans, Flewellen, Gartrell Hall, Harris of Worth, Head, Hill of Sumter, Holt, Hood, Hutchins, Ivey, Jamison, Johnson of Cass, Jones, Jordan, King, Lamar, Lawton, Lenoir, Lockharts, Matthew, McGehee, McRae, Moore of Whitfield, Oliver, Quillian, Reid of Morgan, Riley, Robinson, Roberts, Rushin, Sawyer, Shelton, Sheppard, Smith of Hancock, Smith of Talbot, Snell, Sturges, Summerour, Trippe, Usry, Walker, Wallace, Ward, Wellborn, Wells, Whitehurst, Whitworth, Williams of Berrien, Williams of Terrell, Young.

Those who voted in the negative, were Messrs.

Burnett, Cone, Griffin of Brooks, Hines, Hitchcock, Hyde, Poole, Reid of Taliaferro, Tarver.

So the bill was passed by a Constitutional majority.

The following message was received from His Excellency the Governor, by Mr. Waters, his Secretary, to wit:

Mr. President: The Governor has signed the following acts, to wit:

An act, to authorize the Governor of this State, to grant certain privileges to the Dalton and Gadsden Railroad Company.

An act, for the distribution of the estate of Coleman S. Pringle, late of Pike county, deceased, and for the relief of the Executors, of the last will of said testator.

An act to incorporate the Augusta, Petersburg and Savannah River Steam and Pole Boat Navigation Company, of North-Eastern Georgia.

An act to amend an act entitled an act to prescribe the manner in which the names of persons may be changed, and persons born illegitimate may be made legitimate, and to carry into effect the provisions of the Constitution upon that subject, and also to prescribe the manner in which children may be adopted, approved March 5th, 1856, so as to extend the provisions of the same to grown persons, and make the consent of the mother sufficient to adoption, in certain cases.

An act, to amend an act entitled an act to amend an act entitled an act to carry into effect the sixth section of the fourth article of the Constitution, providing for the distribution of intestates' Estates, directing the manner of granting letters of administration, &c., approved Dec 12, 1804, so as to embrace the child or children of intestates' nephews and nieces.

The following message was received from the House of Representatives, by Mr. Diamond their clerk.

Mr. President : The House of Representatives have passed the following bills of the Senate:

A bill, to provide for the citizens of Decatur county crossing Flint River, at or near Bainbridge, free of ferriage.

A bill, to incorporate the Atlanta Mutual Insurance and Stock Company.

A bill, to incorporate the First Presbyterian Church of the city of Columbus, and the Saint Luke Methodist Episcopal Church, South, of the city of Columbus, and the Saint Paul Methodist Episcopal Church South of the city of Columbus, and to amend an act entitled an act to incorporate the Trustees for Wesley's Chapel, Andrew's Chapel, and Trinity Church of the Methodist Episcopal Church, South, of the city of Savannah, approved 20th December, 1849.

A bill, to give to the Commissioners appointed by the Inferior Court of the county of Calhoun, to examine Teachers, the power to decide upon their qualifications.

A bill, to legalize the adjournment of Quitman Superior Court.

A bill, to amend an act entitled an act to provide for the education of the poor children of this State, &c., so far as relates to the county of Fannin.

A bill, to authorize the Justices of the Inferior Court of Coffee county, to levy an extra tax, and for other purposes.

They have also passed the following bill of the Senate, with amendments thereto, in which they ask the concurrence of this branch of the General Assembly :

A bill, to compel Justices of the Peace in the county of Rabun, to give bond and security, and for other purposes.

They have also concurred in the following resolutions of the Senate :

A resolution, in relation to mail route from Blackshear, in Pierce county, to Douglass in Coffee county.

A resolution, in relation to an increase of the general Mail Service, in the State of Georgia.

A resolution, in relation to a mail line from Waresboro, in the county of Ware, to Tebourville in said county; also from Waresboro, in Ware county, to Holmesville, in Appling county.

A resolution, requesting the Governor to furnish to all the newly created Militia Districts, certain Law Books.

A resolution, in relation to the State University of Georgia.

A resolution, in relation to the establishment of certain Mail Lines in the counties of Worth, Irwin, and Wilcox.

A resolution, in relation to the establishment of certain Mail Lines in the county of Murray.

A resolution, in relation to the establishment of certain Mail Lines in the counties of Jackson, Banks, and Habersham.

A resolution, in relation to certain Mail Lines from Little York to Dublin, from Little York to Boxville, from Seward by Mount Vernon, to Battle Ground.

They have also concurred in a resolution of the Senate, in relation to the appointment of Commissioners to visit Europe, &c., with an amendment thereto, in which they ask the concurrence of this branch of the General Assembly.

They have also concurred in an amendment of the Senate to a resolution of the House of Representatives, extending the time for the completion of the Code of Georgia.

Mr. Briscoe, from the committee on Enrollment, reported as duly enrolled, signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate :

An act, to make Justices of the Peace in the several Mil-

itia Districts, in the county of Jasper, ex-officio Road and Patrol Commissioners.

Also, an act to incorporate the Eatonton and Madison Railroad.

Also, an act for the relief of John W. Cardwell, of the county of Morgan, and Tomlinson Fort, of the county of Baldwin, &c.

Also, an act to repeal an act amendatory of the tenth section of the fourth division of the Penal Code of Georgia.

Also, an act to amend the Road Laws of this State, approved the 19th day of December, 1818, and to punish persons for violating the same.

Also, an act to allow and make compensation to the Reporter of the Supreme Court, for certain volumes of the decisions of said Court, furnished by him under the provisions of the act of 1845.

Also, an act for the relief of Richard Myrick, of Pike county.

Also, an act to incorporate the Eatonton and Madison Railroad.

Also, an act to authorize the Judge of the Superior Court of this State, to allow Special and Petit Jurors such refreshments as the Presiding Judge may deem meet and proper, while said Jury may be engaged in the investigation of any case, and to authorize said Judge to draw his warrant on the county Treasurer of the county where such investigation may be made, for the payment of the same, and to compel said county Treasurer to pay the same out of any funds on hand.

Also an act to prescribe the duty of the Judge of the Superior Court, of the county of Stewart, in relation to the Petit Jurors of said Court, and for other purposes.

Also, an act to authorize the Inferior Court of the county of Tatnall, to levy an extra tax for county purposes, upon the recommendation of the Grand Jury of said county.

Also, an act to change the county lines between the counties of Appling and Coffee, so as to add Benjamin Thomas, of the county of Coffee, to the county of Appling.

Also, an act to incorporate the Hancock Van Guard and Infantry Company, in the county of Hancock, and also the Hancock Troop of Cavalry of said county, and to incorporate the Jackson Rifles, and for other purposes.

Also, an act to amend the Judiciary act of this State, approved the 16th February, 1799, as to require the several Clerks of the Superior, Inferior and Corporation Courts, of the county of Richmond, to enter all appeals of any of said Courts in separate books for that purpose.

The Senate took up, as the report of the Committee of the Whole, the following bill of the House of Representatives:

A bill, to be entitled an act to exempt from taxation one acre of land, in the county of Montgomery, appropriated as the burial place of George M. Troup, deceased, and to constitute the Justices of the Inferior Court of said county, Trustees for the protection of the same.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the Committee of the Whole, the following bill of the House of Representatives:

A bill, to be entitled an act to incorporate the Indian Creek Baptist Church, in the county of Franklin, and to appoint Trustees for the same.

The report was agreed to, the bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole, the following bill of the House of Representatives:

A bill, to be entitled an act for the relief of William M. Pyran, of Fayette county.

The report was agreed to, the bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole, the following bill of the House of Representatives:

A bill, to be entitled an act to change the name of the Southern Central Agricultural Society to that of the State Agricultural Society of Georgia, and for other purposes.

The report was agreed to, the bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole, the following bill of the House of Representatives:

A bill, to be entitled an act to prevent the killing of deer in the county of Screven.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the Committee of the Whole the following bill of the House of Representatives:

A bill, to be entitled an act to authorize the Ordinary of Baldwin county to pay Sarah M. Candler and E. Carrington for teaching poor children, for the year 1858.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole, the following bill of the House of Representatives:

A bill, to be entitled an act to incorporate the Law School

of Joseph H. Luapkin, Thomas R. R. Cobb, and William H. Hull, in the town of Athens, and for other purposes.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole, the following bill of the House of Representatives:

A bill, to be entitled an ac to incorporate Trenton Academy, and to appropriate money for the same.

On motion the same was postponed indefinitely.

The Senate took up, as the report of the Committee of the Whole, the following bill of the House of Representatives:

A bill, to be entitled an act to change the corporate limits of the city of Americus, so far as to exclude the residence of John J. Hudson therefrom, and to exempt him from the payment of taxes to said city.

On motion the same was postponed indefinitely.

The Senate took up as the report of the committee of the Whole, the following bill of the House of Representatives:

A bill, to be entitled an act to amend the charter of the American Atlantic Screw Steam Ship Company, and to allow an increase of capital of the said Company.

Mr. Lawton moved to amend the report by adding additional sections, incorporating the National Steamship Company, of the State of Georgia, which was agreed to.

The report as amended was agreed to the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, the following bill of the House of Representatives:

A bill, to be entitled an act to consolidate the offices of Clerk of the Superior and Inferior Courts of the counties of Hall and Dade.

Mr. Shelton moved to amend the report, by including White county in the provisions of this bill, which was agreed to.

The report as amended was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, the following bill of the House of Representatives:

A bill, to be entitled an act to compensate the Justices of the Peace in Decatur county, for making out and returning lists of poor children to the Ordinary.

On motion the same was postponed indefinitely.

The Senate took up as the report of the committee of the whole, the following bill of the House of Representatives.

A bill, to be entitled an act to incorporate the Macon Guards, to authorize the Governor to furnish them with arms and accoutrements, and to grant certain immunities and privileges to the same.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, the following bill of the House of Representatives:

A bill, to be entitled an act to incorporate Gordon Grove, No. 1, United Ancient Order of Druids, located and working in Savannah.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, the following bill of the House of Representatives:

A bill, to be entitled an act to change the lines between the counties of Irwin and Berrien; also between the counties of Macon and Dooly.

Mr. Brown moved to amend the report, by striking out the 3rd section, which was agreed to.

The report as amended was agreed to, the bill was read the third time and passed.

The following Message was received from the House of Representatives by Mr. Diamond, their Clerk:

Mr. President: The House of Representatives have passed the following bills of the Senate:

A bill to amend the charter of the town of Cartersville, in the county of Cass, and for other purposes.

A bill to amend the act to organize a volunteer batallion in the city of Savannah to be called the Independent Volunteer Batallion of Savannah, approved Jan. 20th, 1852.

A bill to incorporate the Alabama Planters' Steamboat Company, and the Oostenaula Steamboat Company, and for other purposes,

A bill to amend an act facilitating mining operations for gold and other purposes, in the county of White, assented to December 13th, 1858.

A bill to authorize Stephen Ellis, an old man, of the county of Gwinnett, to peddle in said county without obtaining license for the same.

A bill to require certain offices in Emanuel county to be kept at the county site, and for other purposes.

A bill to change the line between the counties of Elbert and Madison, and for other purposes.

A bill to correct and perfect the plat and grant to lot of land No. 142, in the 4th District of originally Appling now Pierce county, and for other purposes.

A bill to repeal a portion of the 8th section of an act, approved December 11th, 1858, entitled an act to provide for the education of the children of this State, &c., so far as relates to the county of Emanuel.

A bill to alter and change the line between the counties of Dougherty and Worth.

A bill to change the time of holding the Inferior Court of the county of Emanuel.

A bill to alter and change the county line between the counties of DeKalb and Henry.

A bill to authorize the Inferior Court of Haralson county to levy an extra tax.

A bill for the relief of John A. Jones and Jackson Vaughn of the county of Jackson.

They have also passed the following bill of the Senate, with an amendment thereto, in which they ask the concurrence of this branch of the General Assembly :

A bill to require the several treasurers of the several school districts of the county of Lumpkin to return the unexpended balances of the school funds now in their hands to the Ordinary of said county, and for other purposes.

They have also agreed to the following resolutions :

A resolution in relation to pensions and pensioners.

A resolution authorizing the Governor to appoint some person to look up all State papers and file them away, &c.

A resolution requesting our Senators and Representatives in Congress to have established mail lines from certain points in the counties of Pulaski, Wilcox, Irwin and Dooly.

A resolution in relation to changing a stage line from Cumming to Dahlonga.

A resolution in relation to a mail line from Dahlonga to Clarksville, and from Fenn's Bridge to Warrenton.

Mr. Paine, from the Committee on Enrollment, reported as duly enrolled, signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate :

An act to protect the possessions of land of actual residents of the county of Charlton.

Also, an act to authorize the Mayor of the city of St. Marys to hold special courts for the summary trial, any disputes or difference between any ship master, owner, consignee, or supercargo of any vessel, articulated seamen, or other person in the corporate limits of said city.

Also, an act to regulate the fees of Jurors in Justice Courts in the counties of Catoosa and Dade. *

Also, an act to abolish the public execution of criminals condemned to death by the laws of Georgia, upon certain conditions, and to provide for their execution in private.

Also, an act to incorporate a volunteer cavalry company in the county of Floyd, known as the Floyd Cavalry.

Also, an act to change the line between the counties of Coweta and Heard, and to add lot of land No. 84, in Fayette county, to the county of Clayton.

Also, an act to require securities and endorsers, when they give notice, so do so in writing.

Also, an act to authorize the Inferior Court of Schley county to levy an extra tax for county purposes.

Also, an act for the relief of James M. Jones of the county of Bibb, executor of the last will and testament of James S. Beall, late of Dooly county, deceased, and for other purposes therein mentioned.

Also, an act to incorporate the town of Blackshear, in Pierce county, and to confer upon the citizens of said town the privilege of electing Commissioners, and for other purposes.

The following message was received from the House of Representatives by Mr. Diamond, their Clerk :

Mr. President :—The House of Representatives have passed the following bill :

A bill to regulate manufactories in this State, and for other purposes.

The Senate took up as the report of the committee of the whole, the following bill of the House of Representatives :

A bill to be entitled an act to appropriate money for the Medical College of Georgia, and for other purposes. The report was agreed to.

Upon the question "shall this bill now pass?" the yeas and nays were recorded, and were yeas 36, nays 35.

Those who voted in the affirmative were Messrs :

Alexander, Atkinson, Barclay, Boggs, Briscoe, Brown, Burnett, Chester, Collier, Cooper, Cone, Crittenden, Hall, Head, Johnson of Cass, Jordan, King, Lawton, Lockhart, McGehee, McLeod, Oliver, Paine, Printup, Quillian, Reid of Taliaferro, Roberts, Shelton, Smith of Hancock, Tarver, Tracy, Trippe, Usry, Wallace, Wells, Young.

Those who voted in the negative were Messrs.

Allred, Batts, Bond, Cook, Cowen, Davis, Evans, Gartrell, Glover, Griffin of Brooks, Harris of Worth, Hightower, Hitchcock, Holt, Hood, Hutchins, Hyde, Ivey, Johnson of Clayton, Jones, Lenoir, Matthews, McRae, Poole, Riley, Robinson, Sawyer, Sheppard, Smith of Talbot, Snell, Sturges, Summerour, Ward, Whitehurst, Whitworth, Williams of Berrien, Williams of Terrell, Wilson.

So the bill was lost.

The following message was received from the House of Representatives by Mr. Diamond, their Clerk.

Mr. President : The House of Representatives insists upon their amendment to the bill of the Senate to extend the corporate limits of the town of Hamilton, in Harris county, &c.

The Senate took up as the report of the Committee of the Whole, the following bill of the House of Representatives :

A bill to be entitled an act for the relief of practicing physicians in the county of Monroe.

Mr. Trippe moved to amend the report by inserting the words "except in cases of lunacy or coroner's inquests," which was agreed to.

Mr. Holt moved further to amend the report by extending the provisions of this act to the county of Muscogee and other counties therein named, which was agreed to.

Mr. Jordan moved further to amend the report by adding the following proviso :

Provided, The physicians in the counties included shall each pay annually forty dollars for tax fees, which was lost.

The report as amended was agreed to.

And upon the question "shall this bill now pass?" the yeas and nays were required to be recorded, and were yeas 28, nays 48.

Those who voted in the affirmative were Messrs.

Alexander, Atkinson, Boggs, Brown, Evans, Gartrell, Holt, Hyde, Ivey, Johnson of Clayton, Lawton, Lockhart, Moore of Whitfield, Poole, Printup, Quillian, Reid of Morgan, Reid of Taliaferro, Roberts, Smith of Hancock, Sturges, Summerour, Tarver, Tracy, Trippe, Usry, Wells, Williams of Terrell.

Those who voted in the negative were Messrs.

Allred, Barclay, Batts, Bond, Briscoe, Burnett, Chester, Collier, Cooper, Cook, Cone, Cowen, Crittenden, Davis, Denham, Glover, Griffin of Brooks, Hall, Harris of Worth, Head, Hightower, Hitchcock, Hood, Hutchins, Jones, Jordan, King, Lamar, Lenoir, Matthews, McGhee, McRae, Oliver, Riley, Robinson, Sawyer, Shelton, Sheppard, Smith of Talbot, Snell, Wallace, Ward, Wellborn, Whitehurst, Whitworth, Williams of Berrien, Wilson, Young.

So the bill was lost. •

The Senate took up as the report of the committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act to incorporate the Quitman

Guards, and the Delhight Rangers, and to grant them certain powers, and exempt them from the duties therein named.

The report was agreed to, the Bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act to erect the monument of Governor Jared Irwin, in the town of Sandersville.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act to authorize the Justices of the Inferior Court of Gilmer county, to levy and collect an extra for the purpose of paying the county debt, created by building their Court House.

The report was agreed to, the bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act to add additional section to an act passed, incorporating the town of Athens in the county of Clarke.

The report was agreed to, and the bill was read a third time and passed.

The Senate took as the report of the committee of the whole, the following bill of the House of Representatives.

A bill to be entitled an act to change the lines between the counties of Thomas and Mitchell, so as to include the residence of E. H. Taylor, of the county of Thomas within the county of Mitchell.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the Committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act to change the county line between the counties of Ware and Pierce.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act to incorporate the relief Fire

Company No. (2,) two, in the town of Athens, and to extend to it certain privileges.

The report was agreed to, the Bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act to change the line between the counties of Warren and Glasscock, so as to change the residence of Samuel Hart, William Swint and Mrs. Mary Hobbs from the county of Glasscock to the county of Warren, and for other purposes.

On motion the same was indefinitely postponed.

The Senate took up as the report of the committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act to incorporate the Board of Trustees of the Mount Vernon Association, of the Baptist Church, &c.

The report was agreed to. The bill was read the third time and passed.

The Senate took up as the report of the Committee of the whole, the following bill of the House of Representatives.

A bill to be entitled an act to authorize the Mayor and Council of the city of Macon, to lease a portion of the Public Reserve lying below said city, to be used as a brick yard, and for other purposes therein mentioned.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act for the relief of D. M, and G. W. Smith, and their securities from a certain bond, and for other purposes.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act to amend an act entitled an act to authorize the Justices of the Inferior Court of Pickens county, to levy and collect an extra tax for the purpose of paying the county debt, created by the building of the Court House, assented to the 11th of December, 1858.

On motion the same was postponed indefinitely.

The Senate took up as the report of the committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act to consolidate the offices of Clerk of the Superior and Inferior Court in the county of Quitman.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act to amend an act entitled an act to change certain county lines therein mentioned, approved March 1st, 1856.

The report was agreed to, the bill was read the third time and passed.

On motion of Mr. Harris of Worth, the rules of the Senate were suspended and the following resolution of the House of Representatives was taken up, read and agreed to.

Whereas, The Senate and House of Representatives at the present session, have passed a bill for the pardon of Thomas C. Whitworth of the county of Chattooga, undersentence of death for the crime of murder, and whereas the said Thomas C. Whitworth desires to plead this bill so passed as aforesaid in the proper Court in his behalf.

Therefore be it ordered by the General Assembly, that the bill so passed as aforesaid be placed on file of the office of the Secretary of State, and that the Secretary of State do on the application of any person, prepare a copy of said bill so passed as aforesaid duly certified under his seal of office, and deliver such copy and certificate to any person applying for the same.

The Senate took up the following bills of the House of Representatives; which were severally read the first time :

A bill to be entitled an act to exempt from taxation certain persons, and for other purposes.

Also, a bill to be entitled an act to regulate Manufacturers of this State, and for other purposes.

The Senate took up the following bills of the House of Representatives, which were severally read the second time and referred to the committee of the Whole.

A bill to be entitled an act to incorporate the South-western Magnetic Telegraph Company, and for other purposes.

Also, a bill to be entitled an act to incorporate the Calhoun and Ellijay Turnpike Company and to confer certain powers and privileges upon the same.

Also, a bill to be entitled an act to incorporate the Chero-

kee Manufacturing Company, located in Cherokee county, Georgia, and to define the rights, privileges and liabilities of the same.

Also, a bill to be entitled an act to compensate James Hamilton for services rendered this State, as Commissioner and Surveyor in 1856.

Also, a bill to be entitled an act to authorize Whitmill Horne of the county of Bibb, to practice Medicine, and to charge and collect compensation for the same.

Also, a bill to be entitled an act to incorporate the City Gas-light Company in the city of Augusta.

Also, a bill to be entitled an act to discharge William Rogers of the county of Milton from the Trusteeship of the property of Mrs. Ann C. Lenoir and her children and, to vest said trusteeship in John W. Lenoir, and for other purposes therein named.

Also, a bill to be entitled an act to incorporate the Marietta Paper Mill Company, and for other purposes.

Also, a bill to be entitled an act to authorize the Chairman and Board of Commissioners of the town of Louisville, to tax free persons of color, Retailers of spirituous Liquors, &c., and for other purposes therein named.

Also, a bill to be entitled an act to provide how fines and forfeitures in criminal cases shall be received and disposed of, and for other purposes therein mentioned,

Also, a bill to be entitled an act to amend the fifth section of an act passed on the the 27th January, 1852, entitled an act more effectually to prevent fraud in elections in this State, and to detect and punish the same.

Also, a bill to be entitled an act to authorize the Justices of the Inferior Court of Muscogee county or a majority of them to levy an extra tax for a certian purpose therein mentioned.

Also, a bill to be entitled an act to provide for the proper distribution of the Common School fund in the county of Lumpkin, and to provide for the teachers of poor children in Rabun county for 1859.

Also, a bill to be entitled an act to incorporate the Cotton Planter's Bank of LaGrange.

Also, a bill to be entitled an act to legalize the marriage of John G. McMichael with Elizabeth Etheridge, and to exempt them from the penalties of the law for thus marrying.

Also, a bill to be entitled an act to alter and amend an act to define and establish the fees of Ordinaries, Clerks of the Superior and Inferior Courts, Sheriffs, Jailers, Justices of the Peace and Constables of this State, and for other purposes, so far as relates to the fees of Sheriffs in the counties of Cass, Dade and Chattooga.

Also, a bill to be entitled an act to alter and amend the Road laws of this State, so far as relates to the counties of

Quitman, Stewart, Chattahoochee, Talbot, Gilmer, Miller, Milton, Webster, Bibb, Terrell, Baldwin, Jackson, Floyd, Greene, Troup, Clark, Fulton, Dawson, Burke, Murray, DeKalb and Haralson.

Also, a bill to be entitled an act to incorporate a Volunteer Militia Company in the town of Fort Gaines; and also, the Lincoln Volunteers, and confer certain privileges herein named.

Also, a bill to be entitled an act to authorize the Ordinary of Marion county to pay over to E. H. Winn, his poor school account for the year 1853; also the Ordinaries of Talbot, Terrell and Clinch counties to pay certain accounts therein specified.

Also, a bill to be entitled an act to alter and amend the charter of the city of West Point, and for other purposes.

Also, a bill to be entitled an act to require the jailors of the several counties in this State to advertise runaway slaves in one of the public Gazettes published at Milledge-edge, in certain cases.

Also, a bill to be entitled an act for the relief of M. C. Goodwyn of the county of Pike.

Also, a bill to be entitled an act to reduce the work on roads in the county of Johnson.

Also, a bill to be entitled an act to allow the Justices of the Inferior Court of Dawson county, to levy and collect a poor tax for said county, not to exceed twenty-five per cent in the general tax.

Also, a bill to be entitled an act to provide for the payment of Officers presiding at the polls, on elections hereafter to be held in Taliaferro county, and for other purposes therein mentioned.

Also, a bill to be entitled an act to provide for the issuing of summary and compulsory process for witnesses in all criminal causes in this State, upon the conditions therein named.

Also, a bill to be entitled an act to apportion the representation among the several counties of this State according to the requirements of the Constitution.

Also, a bill to be entitled an act to amend an act approved on the 4th March, 1856, incorporating the Bank of Sparta, to confer certain privileges upon the corporators therein named, and to provide for the construction of a Railroad from Sparta to Tennille or any other point on the Central Railroad.

Also, a bill to be entitled an act for the relief of John A. Bartlett and Lucinda Ellis, of the county of Bibb, and to legalize their marriage.

Also, a bill to be entitled an act to incorporate the Culverton Academy in Hancock county; Also to incorporate the Union male and female Academy in the county of

Greene and to appoint trustees for the same, and for other purposes.

Also, a bill to be entitled an act to alter and amend an act entitled an act to alter and amend the fifteen section of the fourteenth Division of the penal code.

Also, a bill to be entitled an act to exempt negroes employed by contractors in the construction of Railroads from liability to work on roads, on certain conditions.

Also, a bill to be entitled an act to authorize the Mayor and Council of the city of LaGrange to levy an extra tax, and for other purposes.

Also, a bill to be entitled an act to authorize the Ordinary of DeKalb county to pay over to Wm. A. Stansel the sum of three hundred and forty-eight dollars and ninety cents, for teaching poor children in said county for the years 1855 and 1856.

Also, a bill to be entitled an act to extend the time for the Cherokee Volunteers to present their claims under the provisions of an act approved March 3d, 1856, and to authorize the payment of claims for rations and forage furnished to Captain Witcher's Company in 1838.

Also, a bill to be entitled an act to alter and amend an act entitled an act to provide for the education of the children of this State, between certain ages, and to provide an annual sinking fund for the extinguishment of the public debt, so far as relates to the county of Rabun.

Also, A bill to be entitled an act to incorporate the Middle Georgia Telegraph Company, also to change the name of the Dalton and Gadsden Railroad Company to that of the Dalton and Jacksonville Railroad Company, and for other purposes.

Also, a bill to be entitled an act to authorize the Ordinary of Habersham and White counties, to pay off all accounts for teaching the poor children previous to the year 1859.

Also, a bill to be entitled an act to regulate testimony of parties in Justices Courts.

Also, a bill to be entitled an act to provide for the payment of teachers of poor children in the county of Habersham.

Also, a bill to be entitled an act to prevent the shooting, netting and hunting of Partridges, Doves, Snipes, Turkeys, Ducks or other game birds in Richmond county, within certain times, and for other purposes.

Also, a bill to be entitled an act to appropriate one hundred and forty dollars to the county of Dawson to supply the deficit in the school fund for the year 1858, and for other purposes.

Also, a bill to be entitled an act to allow and authorize the Justices of the Peace in the city of Augusta, to hold their Courts at any place within the city, and in said city,

and to increase their jurisdiction, and for other purposes.

Also, a bill to be entitled an act to incorporate a bridge, across Flint river in the first district of Pike county.

Also, a bill to be entitled an act to make the Ordinary of Jasper county, ex-officio school commissioner, to require bond of him as such to prescribe his duties, to authorize the Grand Jury of said county, to levy an extra tax for school purposes, and for other purposes therein mentioned.

Also, a bill to be entitled an act to compensate managers of elections in Warren, Chattooga and Greene counties, and for other purposes.

Also, a bill to be entitled an act to reduce the Sheriff's bond of the county of Johnson,

Also, a bill to be entitled an act to incorporate a Medical College in the city of Griffin, to be called the Middle Georgia Medical College.

Also, a bill to be entitled an act to amend an act to provide for the registry of votes, &c., in the city of Augusta, approved February 15th, 1856, and to extend the powers of the recorder of said city, in relation to free negroes, and for other purposes.

Also, an act to be entitled an act to relieve James R. Walker, of the county of Upson, from the liabilities of minority, and for other purposes therein mentioned.

Also, a bill to be entitled an act to incorporate the town of Powder Spring, the Powder Spring High School in the county of Cobb, the Trenton Cumberland Presbyterian Church in the county of Dade, and to incorporate the village of Bottsford in the county of Sumter, and for other purposes.

Also, a bill to be entitled an act to authorize L. B. Causey of Webster county, as Guardian of Joseph J. Hale minor of James Hale, to settle with his ward, and to make said Joseph J. Hale, competent to contract and be contracted with, sue and be sued, and do all other lawful acts which an adult of right may do.

Also, a bill to be entitled an act for the relief of Johnson Wellborn of the county of Union,

Also, a bill to be entitled an act to add land lot number three hundred and forty-five in the thirteenth district of Thomas county to the county of Colquitt, and to change so far the county lines.

The hour of adjournment having arrived, the President adjourned the Senate until 9 o'clock to-morrow morning.

THURSDAY, DEC. 15th, 1859.

9 O'CLOCK, A. M.

The Senate met according to adjournment.

Mr. Holt moved to reconsider so much of the Journal of yesterday as relates to the vote by which a bill to be entitled an act to constitute the town of Cuthbert, Randolph county, a city, and for other purposes, was passed, which was agreed to.

Mr. Davis moved to reconsider so much of the journal of yesterday as relates to the vote by which a bill to be entitled an act to incorporate Trenton Academy, and appropriate a sum of money for the same was indefinitely postponed, which was agreed to.

Mr. King moved to reconsider so much of the journal of yesterday as relates to the vote by which a bill to be entitled an act to appropriate money for the medical college of Georgia, was lost.

Mr. Griffin of Twiggs called for the previous question, which was seconded.

The main question was ordered to be put, which was on the reconsideration of the bill.

Upon agreeing to which motion the yeas and nays were recorded, and were yeas 57, nays 32.

Those who voted in the affirmative were Messrs :

Alexander, Allred, Atkinson, Barclay, Barrow, Bartlett, Billups, Boggs, Briscoe, Burnett, Byars, Chester, Cloud, Collier, Cooper, Cook, Davis, Denham, Flewellen, Grice, Griffin of Brooks, Hall, Harris of Worth, Head, Hill of Sumter, Hyde, Ivey, Jamison, Johnson of Clayton, Johnson of Cass, Jordan, King, Lawton, Lockhart, McGehee, Oliver, Paine, Poole Printup, Quillian, Reid of Morgan, Roberts, Sawyer, Shelton, Sheppard, Smith of Hancock, Sturges, Tarver, Tracy, Trippe, Usry, Wallace, Wellborn, Wells, Williams of Terrell, Wilson, Young.

Those who voted in the negative were Messrs :

Batts, Bond, Brown, Cone, Cowen, Crittenden, Delapierre, Gartrell, Glover, Griffin of Twiggs, Hackett, Hightower, Hines, Hitchcock, Holt, Hood, Hutchins, Jones, Lamar, Mathews, Moore of Whitfield, Riley, Rushin, Shellnut, Smith of Talbot, Snell, Summerour, Walker, Whitehurst, Whitworth, Williams of Berrien, Williams of Rabun.

So the motion prevailed

Mr. Oliver moved to reconsider so much of the journal of yesterday as relates to the vote by which a resolution relating to the recording Clerks was agreed to.

Upon agreeing to which motion Mr. Gartrell required the yeas and nays, which being recorded, were yeas 42, nays 43.

Those who voted in the affirmative were Messrs :

Batts, Boggs, Bond, Burnett, Byars, Cloud, Cowen, Delapierriere, Denham, Flewellen, Gartrell, Glover, Griffin of Brooks, Hall, Hines, Hitchcock, Hood, Hutchins, Hyde, Ivey, Johnson of Cass, Lamar, Lockhart, McGehee, Oliver, Paine, Poole, Reid of Taliaferro, Riley, Roberts, Shelton, Smith of Hancock, Smith of Talbot, Sturges, Summerour, Tracy, Trippe, Usry, Wallace, Wellboru, Wells, Whitehurst.

Those who voted in the negative were Messrs :

Alexander, Allred, Atkinson, Barclay, Barrow, Bartlett, Billups, Briscoe, Chester, Collier, Cook, Cone, Crittenden, Davis, Evans, Grice, Hackett, Harris of Worth, Head, Hightower, Holt, Jamison, Johnson of Clayton, Jones, Jordan, Lawton, Mathews, Moore of Whitfield, Printup, Reid of Morgan, Robinson, Rushin, Sawyer, Shellnut, Shepard, Snell, Tarver, Walker, Ward, Whitworth, Williams of Berrien, Williams of Rabun, Young.

So the motion to reconsider did not prevail.

The following Message was received from his Excellency the Governor, by Mr. Waters, his Secretary: to wit :

Mr. President : The Governor has signed the following acts, to-wit :

An act to prevent delay in the trial of causes in the courts of this State, in consequence of the death of parties, to authorize parties in certain circumstances, to be made on motion, and for other purposes.

An act to abolish the *Senatus Academicus*, to give its powers to the Board of Trustees of the University of Georgia, and to vest the government of said University in said Board of Trustees.

An act to repeal all laws relating to Head Rights, so far as they may apply to Franklin county.

An act to incorporate the Savannah Mutual Loan Association.

An act to change and alter the lines between the counties of Worth and Colquitt.

An act to alter and change the common school laws, so far as relates to Walker county.

An act to change the time of holding the Inferior Court of the county of Gordon.

An act to regulate the sale and use of spirituous liquors and intoxicating drinks, within the corporate limits of the town of Elberton.

An act to incorporate the Furlow Female College, in the city of Americus and to incorporate Trustees for the same.

An act to incorporate the Hebrew Congregation, in the city of Macon.

An act to authorize the Justices of the Inferior Court of Lumpkin county, or a majority of them, to levy an extra tax for the purpose of repairing the Court House, and for other other purposes therein mentioned.

An act for the relief of Luke Paget, his heirs and Representatives.

An act to incorporate the Chicharo Baptist Church in the county of Rabun.

An act to incorporate the Chestatee River, and Town Creek Hydraulic Hose Mining Company, and to incorporate the the Cavender's Creek and Ward's Creek Hydraulic Hose Mining Company.

An act to incorporate the town of Carnesville, in the county of Franklin, and for other purposes.

An act to give to the Inferior Courts of the different counties of this State, power to appoint some fit and proper person to receive and receipt for the amount of money their respective counties may be entitled to, under the act to provide for the education of the children of this State. &c., assented to December the 11th, 1858, when the Ordinary of said counties refuse or neglect to give bond in terms of the law.

An act to revise and put in force the 3rd and 4th sections of an act amending an act to incorporate the town of Lumpkin, in Stewart county, to add additional sections thereto, and to amend the charter of the city of Dalton, and for other purposes.

An act to change the line between the counties of Whitfield and Catoosa, and for other purposes.

An act to authorize the Ordinary of Butts county to pay to Mathew J. Gibson, for teaching poor children in said county, also to authorize the Ordinary of Fayette county to pay John T. Wooten, for teaching poor children in said county, and to authorize the Ordinary of Harris county to pay John Alexander, for teaching poor children in the county of Harris, and

An act to authorize the Ordinary of Pike county to pay teachers of poor children, for the year 1858, and for other purposes.

The following message was received from the House of Representatives by Mr. Diamond their Clerk.

Mr. President: The House of Representatives have passed the following bills of the Senate :

A bill to amend an act entitled an act for the better protection and security of Orphans, and their estates, approved February 18th, 1799.

A bill to provide compensation for Coroners, for burying insolvent persons.

A bill to alter and amend the law of descent in cases of persons who are illegitimate, or born out of lawful wedlock dying intestate.

They have also concurred in the amendments of the Senate to the following bills of the House of Representatives :

A bill to change the times of holding the Inferior Courts of the counties of Webster, Dade, and Floyd, and to change the times of holding the Superior Courts of the counties of Richmond, Glynn, Burke, and Floyd.

A bill to amend the several acts of the General Assembly in relation to the Savannah and Albany Railroad Company, and the Savannah, Albany and Gulf Railroad Company.

A bill to change the time of holding the elections for County Officers, Judges of the Superior Courts, Attorney and Solicitors General, (except Ordinaries,) in this State.

A bill to amend the charters of the towns of Forsyth, and Warrenton.

A bill to empower Ex-Judges of the Superior Courts to sign bills of exceptions in certain cases.

A bill to repeal an act entitled an act to regulate the testimony of Attorneys at Law, and for other purposes.

A bill to add certain lots in the county of Macon, to the county of Taylor.

A bill to prescribe the time of holding elections for Senators in the Congress of the United States from the State of Georgia.

A bill to incorporate a Mining Company in Carroll county, and in other counties of the State of Georgia.

A bill to incorporate the Owl Town and Coosa Creek Mining Company.

They have also passed the following bills of the Senate, with amendments thereto, in which they ask the concurrence of this branch of the General Assembly

A bill to repeal a part of the first section of the third article of the Constitution of this State, and to insert a provision in lieu thereof.

A bill amendatory of the act of 1857, entitled an act to provide against the forfeiture of the several Bank Charters of this State, on account of non-specie payment for a given time, &c., and declaratory of the true meaning of certain sections of the same.

A bill to explain the tenth section of the tenth division of the Penal Code of this State.

A bill to incorporate the Clayton Volunteers, and for other purposes.

They have also concurred in the Senate amendment to the House amendment to the following bill of the Senate.

A bill to compel all persons, non-residents of the county of Wayne, owning, penning, and grazing stock cattle in said county, to return and pay tax on the same, in the county aforesaid.

They have also passed the following Resolutions.

A resolution authorizing Dr. John W Lewis, to retain in his hands a certain sum of money.

A resolution authorizing the Governor to furnish certain books to Clayton county.

A resolution requesting the establishment of a mail line from Dublin to Taylorsville.

A resolution requesting the establishment of a mail line from Albany in Dougherty county to Quitman in Brooks county, also from Lookout Station to Lebanon in Dekalb county, Alabama.

A resolution authorizing the Governor to furnish certain books to the county of Dade.

A resolution requesting the establishment of mail lines from Thomaston in Upson county to Butler in Taylor county, and from Thompson to Lincolnton.

A resolution requesting the establishment of mail lines from Ellijah, in Gilmer county, to Canton, in Cherokee county.

A resolution authorizing the Governor to erect a monument to General James Oglethorpe.

A resolution requesting Congress to pension certain soldiers of the war of 1812.

A resolution furnishing each member of the General Assembly with a copy of the Acts and Journals of the present Session.

The Senate took up the following reconsidered bill of the House of Representatives.

A bill to be entitled an act to incorporate the Trenton Academy, and appropriate a sum of money for the same.

Mr. Harris of Worth, moved to amend the report by adding an additional section, appropriating fifteen hundred dollars to build an Academy in Isabella, Worth County, which was agreed to.

Mr. Hyde, moved further to amend the report by appropriating fifteen hundred dollars, to build an Academy in the county of Fannin, which was agreed to.

Mr. Johnson of Clayton, moved further to amend the report by appropriating fifteen hundred dollars for the Clayton High School, which was agreed to.

Mr. Evans, moved that the bill and amendments be indefinitely postponed.

Upon agreeing to which motion the yeas and nays were recorded, and were yeas 53, nays 29.

Those who voted in the affirmative were Messrs.

Atkinson, Barclay, Barrow, Batts, Billups, Boggs, Bond, Briscoe, Byars, Chester, Cloud, Cooper, Cook, DeLaperriere, Denham, Evans, Flewellen, Gartrell, Glover, Griffin of Brooks, Hall, Head, Hightower, Hitchcock, Holt, Hood, Hutchins, Jones, Lamar, Lockhart, Moore of Whitfield, Oliver Reid of Morgan, Robinson, Rushin, Sawyer, Shellnut, Shepard, Smith of Talbot, Snell, Sturges, Tarver, Tracy, Tripp, Usry, Walker, Ward, Wellborn, Whitehurst, Whitworth, Williams of Berrien, Williams of Rabun, Wilson.

Those who voted in the negative, were Messrs.

Allred, Bartlett, Brown, Burnett, Collier, Cone, Davis, Hackett, Harris of Worth, Hines, Hyde, Ivey, Jamison, Johnson of Clayton, Jordan, King, Lawton, Matthews, Poole, Printup, Reid of Taliaferro, Riley, Roberts, Shelton, Smith of Hancock, Summerour, Wallace, Wells, Young.

So the motion prevailed.

The following Message was received from His Excellency the Governor by Mr. Campbell his Secretary, to wit:

Mr. President:—I am directed by the Governor, to return to this branch of the General Assembly in which it originated,

A bill for the relief of Susan L. B. Godwine of the county of Bibb, and William P. Freeland of the county of Troup.

Also, a bill for the relief of Henry Henson and Elias Killpatrick of the county of Towns, accompanied by a communication in writing relating to each respectively.

The Senate took up as the report of the committee of the Whole, the following reconsidered bill of the House of Representatives.

A bill to appropriate money for the Medical College of Georgia.

Mr. McGehee, called for the previous question which was seconded, the main question was ordered to be put, which was on the passage of the bill.

The report was agreed to, upon the question shall this bill now pass, the yeas and nays were recorded, and were yeas 41, nays 11.

Those who voted in the affirmative, were Messrs.

Alexander, Allred, Atkinson, Barclay, Barrow, Billups, Boggs, Briscoe, Burnett, Collier, Cooper, Denham, Flewellen, Griffin of Brooks, Hall, Harris of Worth, Head, Johnson of Clayton, Johnson of Cass, Jordon, King, Lawton, Lockhart, McGehee, McLeod, Oliver, Paine, Printup, Quillian, Reid of Morgan, Roberts, Shelton, Sheppard, Smith of Hancock, Tarver, Tracy, Trippe, Usry, Wallace, Wells, Young.

Those who voted in the negative were Messrs.

Batts, Bond, Brown, Chester, Cloud, Cook, Cone, Cowen, Davis, DeLaperriere Evens, Gartrell, Glover, Griffin of Twiggs, Hackett, Hightower, Hines, Hitchcock, Holt, Hood, Hutchins, Hyde, Ivey, Jamison, Jones, Lamar, Matthews, McRae, Moore of Whitfield, Reid of Taliaferro, Riley, Robinson, Rushin, Sawyer, Shellnut, Smith of Talbot, Sturges, Summerour, Walker, Ward, Whitehurst, Whitworth, Williams of Berrien, Williams of Rabun, Wilson.

So the bill was lost.

Mr. Paine from the committee on enrollment reported as duly enrolled, and ready for the signature of the President of the Senate.

A resolution ordering Law Books to certain Militia Districts.

Also, a resolution concerning the mail route in Murray county, &c.

Also, a resolution concerning mail route in Worth, Irwin and Wilcox counties.

Also, a resolution about the mail route to Harmony Grove.

Also, a resolution about the mail route to Dublin.

Also, a resolution about the General mail service.

Also, a resolution to have mail routes established.

Also, a resolution about the State University.

Also, a resolution about the mail route to Blackshear.

The Senate took up the following reconsidered bill of the House of Representatives.

A bill to be entitled an act to constitute the town of Cuthbert, Randolph county, a city, to provide for the election of officers, to define the powers of the several officers of said city as well as of the corporation, to extend the limits of Cuthbert, and for other purposes.

Mr. Burnett, moved to amend the report by adding the following as an additional section.

And be it further enacted, That the said Mayor and Councilmen, at their first meeting in each year, publish the receipts and disbursements of the previous year in some public paper, which was agreed to.

Mr. Burnett, moved further to amend the report by inserting the following, North of the Eufaula road on the South of said road, the Western boundary shall be the line between Maning Stamper and David Jones, which was agreed to.

The report as amended was agreed to, the bill was read the third time and passed.

Mr. Paine, from the committee on enrollment reported as duly enrolled and ready for the signature of the President of the Senate:

An act to change the 18th section of the 14th division of the Penal Code of this State.

Also, an act to alter, change and define the line between Early and Clay counties, and for other purposes.

Also, an act to alter and change the times of holding the Superior Courts of the counties of Wilcox, Telfair, Irwin, Berrien and Glynn, and the Inferior Court of Wilcox county, and for other purposes.

Also, an act referring to granting divorces, approved 5th Dec., 1806.

Also, an act to repeal the 2d section of an act entitled an act to repeal the 19th section of an act, incorporating the Fulton Bank in the city of Atlanta, and for other purposes.

Also, an act requiring the Ordinary of Worth county to pay the tuition of poor children in said county.

Also, an act to extend the civil jurisdiction of Justices of the Peace, in the part of Chatham county, including Savannah.

Also, an act to confer certain privileges on Charles Greene.

Also, an act to declare the meaning and intention of an act amendatory of an act, exempting from levy and sale under execution certain property therein mentioned, and for other purposes.

Also, an act to incorporate the Southern Rights Guards, in Houston county, and for other purposes therein named.

Also, an act to provide for the distribution and disbursement of the common school fund, to which the counties of Gilmer and Lumpkin are entitled, and for other purposes therein named.

Also, an act to amend an act to incorporate the Georgia and Alabama Railroad, and for other purposes.

Also, an act to repeal an act entitled an act consolidating the office of Tax Collector and Receiver of Tax Returns, for the county of Haralson.

Also, an act for the relief of James Karr, Robert Orr and Elias Payne, of the county of Forsyth.

Also, an act for the relief of John Turner and William Stoll, and for other purposes.

Also, an act to amend an act entitled an act to incorporate the Indian Spring Railroad Company, approved January 22d, 1852.

Also, an act to define and enlarge the duties of Treasurers of the several counties of this State.

Also, an act to consolidate the office of Clerk of the Superior and Inferior Courts of the county of Chattooga.

Also, an act for the relief of William P Rackley and Eliza A. Rackley, formerly Eliza A. Brazwell of the county of Decatur, and for other purposes.

Also, an act to authorize the Justices of the Inferior Court of Coffee county, to levy an extra tax of fifty per cent, and for other purposes.

Also, an act to declare the true intent and meaning of the 20th section of an act entitled an act, to carry into effect the amended constitution relating to Ordinaries, and for other purposes.

Also, an act to amend the charter of the South Western Railroad Company, and to authorize an increase of the capital stock of said Company, and to incorporate the Enterprise Railroad Company to confer certain privileges and powers, and for other purposes therein named.

Also, an act to provide for the citizens of Decatur county crossing Flint river at or near Bainbridge, free of ferriage.

Also, an act to give to the commissioners appointed by the Inferior Court of Calhoun county, to examine teachers, power to decide on their qualifications.

Also, an act to legalize the adjournment of Quitman Superior Court.

Also, an act to alter the tax laws of this State.

Also, an act to incorporate the Pulaski Insurance Company of Hawkinsville Georgia.

Also, an act to amend an act entitled an act to provide

for the education of the children of this State, between certain ages in Fannin county, and for other purposes.

Also, an act to authorize the Inferior Court of Haralson county, to levy an extra tax.

Also, an act to incorporate the first Presbyterian Church of the city of Columbus, and the St. Luke and St. Paul Methodist Episcopal Churches South, of the city of Columbus, and for other purposes therein named.

Also, an act for the relief of John A. Jones and Jackson Vaughn of the county of Milton.

Also, an act to change the time of holding the Superior Court of Emanuel county.

Also, an act to change the line between DeKalb and Henry counties.

Also, an act to require the offices in Emanuel county to be kept at the county site.

The Senate took up the following bill of the Senate which had been amended by the House of Representatives :

A bill to be entitled an act to repeal a part of the first section of the third article of the Constitution of this State, and insert a provision in lieu thereof.

Upon the motion to concur in the amendment, the yeas and nays were recorded, and were yeas 56, nays 22.

Those who voted in the affirmative were Messrs.

Alexander, Allred, Atkinson, Barclay, Barrow, Billups, Boggs, Bond, Briscoe, Burnett, Chester, Cloud, Cowen, Denham, Evans, Flewellen, Griffin of Brooks, Hackett, Hall, Harris Worth, of Head, Holt, Hood, Hutchins, Ivey, Johnson, of Clayton, Johnson of Cass, Jones, King, Lamar, Lawton, Lockhart, Matthews, McGehee, Moore of Whitfield, Printup, Quillian, Reid of Morgan, Reid of Taliaferro, Robinson, Roberts, Rushin, Sawyer, Shelton, Shellnut, Sheppard, Smith of Hancock, Snell, Tarver, Tracy, Ward, Wellborn, Whitworth, Williams of Berrien, Williams of Rabun, Wilson.

Those who voted in the negative, were Messrs :

Brown, Cook, Cone, Delaperriere, Gartrell, Glover, Griffin of Twiggs, Hightower, Hyde, Jamison, Jordan, Lenoir, McRae, Oliver, Smith of Talbot, Sturges, Trippe, Walker, Wallace, Wells, Williams of Terrell, Young.

So the amendment was concurred in by a constitutional majority.

Mr. Moore of Whitfield, from the committee on enrolment, reported as duly enrolled, and signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate :

An act to levy a tax on all goods peddled in this State, or sales by sample or otherwise, by itinerants, drummers or other persons, and for other purposes.

Also, an act to alter and amend the second section of an act, approved January 21st, 1852, and for other purposes.

Also, an act to incorporate the Jackson Artillery of the city of Macon, and to authorize the Governor to furnish them with suitable arms and accoutrements, and to grant certain immunities and privileges to the members of the same.

Also, an act to alter and amend an act to amend an act pointing out the mode of collecting a certain description of debts therein mentioned, approved Dec. 19th, 1818, and to extend the provisions of the same so as to embrace corporations, approved Dec. 11th, 1858.

Also, an act to incorporate the town of Quitman, in Brooks county, and to confer upon the citizens of said town the privilege of electing Commissioners with certain powers therein enumerated, and for other purposes therein specified.

Also an act to prevent the firing the woods between the first day of May and the first day of February. in each and every year, in the counties of Echols and Clinch, and for other purposes.

Also, an act incorporate Spring Vale Institute, located in Randolph county, Georgia.

Also, an act to incorporate the towns of Sylvania and Scarboro', in the county of Scriven, and to amend the charter of the city of Atlanta.

Also, an act to charter the Port Royal Railroad.

The Senate took up as the report of the committee of the whole, the following bill of the House of Representatives:

A bill to be entitled an act to extend the incorporate limits of the town of Hamilton, Harris county, to create and give additional powers to the corporate authorities of said town.

On motion, the amendment was concurred in.

The Senate took up as the report of the committee of the whole, the following bill of the Senate which had been amended in House of Representatives:

A bill to be entitled an act to require the several treasurers of the several school districts of the county of Lumpkin to return the unexpended balances of the school funds now in their hands to the Ordinary of said county, and for other purposes therein named.

Mr. Riley moved to amend the amendment by striking out the county of Lumpkin, which was agreed to.

The amendment as amended was then concurred in.

The Senate took up the following bill of the Senate which had been amended in the House of Representatives:

A bill to be entitled an act to incorporate a corps of

infantry in the town of Jonesboro', in the county of Clayton, to be known as the Clayton Volunteers, and to confer certain privileges on the same.

On motion, the amendment was concurred in.

The Senate took up the following bill of the Senate which had been amended in the House of Representatives:

A bill to be entitled an act to amend and interpret an act, approved March 5th, 1856, relative to the payment of accounts of teachers of poor children.

On motion, the amendment was concurred in.

The Senate took up the following bill of the Senate which had been amended in the House of Representatives:

A bill to be entitled an act authorize the Ordinary of the county of DeKalb to pay arrearages due J. F. Buchanan, a teacher of poor children in said county, for the year 1853.

On motion, the amendment was concurred in.

The Senate took up the following bill of the Senate which had been amended in the House of Representatives:

A bill to be entitled an act to explain the 10th section of the division of the Penal Code of this State.

On motion, the amendment was disagreed to.

The Senate took up the following bill of the Senate which had been amended in the House of Representatives:

A bill to be entitled an act amendatory of the act of 1857, entitled an act to provide against the forfeiture of the several bank charters in this State, on account of non-specie payment for a given time, &c.

On motion, the amendment was concurred in.

The Senate took up the following bill of the Senate which had been amended by the House of Representatives:

A bill to be entitled an act to compel Justices of the Peace in the county of Rabun to give bond and security, and for other purposes.

On motion, the amendment was concurred in.

On motion of Mr. Cone, the following communications in writing, from His Excellency the Governor, was taken up and read:

EXECUTIVE DEPARTMENT, }
Milledgeville, Ga., Dec., 15th, 1859. }

To the Senate:

I return the bill entitled an act for the relief of Susan L. B. Goodwine of the county of Bibb, and William P. Freel of the county of Troup, without my sanction, for the general reasons given in my message accompanying the bill for the relief of Amy Clarke.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT, }
Milledgeville, Ga., Dec. 15th, 1859. }

To the Senate :

I herewith return, without approval, a bill "for the relief of Henry Henson and Elias Killpatrick, of the county of Towns."

The bill recites that these persons became sureties on the bond of John Anthony for his appearance at the Superior Court of Towns county, to answer for the offence of riot; and that the said Anthony did not appear, and that the bond was forfeited, and judgment rendered against the sureties on the bond at the last term of the Superior Court in said county.

This presents the ordinary case of a surety who has voluntarily assumed the liability, and whose principal has failed to attend Court and answer for the offence with which he stands charged. By the act of the sureties, the principal has escaped the punishment which the law prescribes for his offence, and it is now proposed to relieve the sureties from liability. If this practice is to prevail it will soon become almost equivalent to a suspension of the execution of public justice in the State. The most wicked offenders will be enabled to give bond for their appearance, and will refuse to appear and abide the judgment of the Courts, and it will only be necessary for their sureties who voluntarily signed their recognizances to appeal to the Legislature with a statement that it is a hard case, and relief must be granted. In my opinion, too many obstructions are already thrown in the way of the prompt and impartial execution of the criminal laws of the land, and I am unwilling by my act to multiply these obstructions. He who places himself between the law and the criminal, and takes him out of the hands of the officers of the law, by becoming his surety, does so, with full knowledge of the responsibility which attaches to his act, and should not here be relieved, after he has enabled his principal to escape. It should not be forgotten in determining upon the merits of applications of this character, that the law imposes upon Clerks, Sheriffs, and Solicitors General, a great amount of labor in insolvent criminal cases, and leaves them to look for payment to the sums brought into Court from fines and forfeitures of this character, without making any other provision for the satisfaction of their claims. After imposing the burdens which the law now imposes upon these officers, without making other provision for their compensation, I conclude that it is injustice to them for the law-making power to step between them and those who have enabled the guilty to escape, and arrest them in the collection of their just dues, the payment of which, by those who are

liable, is the only satisfaction made to the State for the violation of her criminal laws.

This character of legislation would seem, therefore, to be unwise, and to encourage the commission rather than the suppression of crime, by increasing the facilities for the escape of the guilty. He who consents to become the surety of a criminal, for his appearance at Court, should remember that the surrender of his principal, or the payment of the amount of money mentioned in the recognizance, are the only alternatives known to the law.

JOSEPH E. BROWN.

The Senate took up the following bill, which had been vetoed by His Excellency the Governor:

A bill, to be entitled an act for the relief of Henry Henson, and Elias Killpatrick, of the county of Towns. Upon the question, shall this bill now pass by a Constitutional majority over the veto of His Excellency the Governor? the yeas and nays were recorded and were yeas 57, nays 10.

Those who voted in the affirmative, were Messrs.

Allred, Barclay, Bartlett, Batts, Billups, Boggs, Bond, Brown, Burnett, Byars, Chester, Cloud, Collier, Cook, Cone, Davis, Delaperriere, Denham, Evans, Flewellen, Gartrell, Glover, Griffin of Brooks, Hackett, Hall, Harris of Worth, Head, Hood, Hutchins, Hyde, Ivey, Jannieson, Lawton, Matthews, McLeod McRae, Paine, Printup, Quillian Reid of Morgan, Reid of Taliaferro, Riley, Robinson, Roberts Rushin, Sawyer, Shelton, Shellnut, Sheppard, Smith of Hancock, Tracy, Trippe, Ward, Wellborn, Whitworth, Williams of Terrell.

Those who voted in the negative, were Messrs.

Alexander, Grice, Hightower, Hitchcock, Jones, Jordan, Lockhart, Oliver, Smith of Talbot, Sturges, Tarver, Walker, Wallace, Williams of Berrien, Williams of Rabun, Young.

So the bill was passed by a Constitutional majority over the veto of His Excellency the Governor.

Mr. Paine, from the committee on Enrollment, reported as duly enrolled, signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate :

An act, to incorporate the Lumpkin Law School, in the town of Athens, Georgia.

Also, an act to incorporate the Relief Fire Company, No. 2, in the town of Athens, Georgia.

Also, an act adding an additional section to the act incorporating the town of Athens, Georgia.

The following Message was received from the House of Representatives, by Mr. Diamond, their Clerk :

Mr. President: The House of Representatives have passed the following bills, of the Senate, viz :

A bill, to incorporate the town of Bainbridge, and for other purposes.

A bill, to authorize the Ordinary of DeKalb county to pay G. W. Latham for teaching poor children.

A bill, to compensate the Tax Receiver of Marion county.

A bill, to incorporate the Georgia Internal Improvement Association.

A bill, to repeal the 5th section of an act to change the time of holding the Superior Courts of the county of Lumpkin, &c., and to authorize the holding of said Courts on the 4th Monday in March and September.

A bill, to provide for the payment of the person appointed by the Judges of the Superior Courts of the counties of Burke, Banks, Chatham, Columbia, and Floyd, to take down testimony on the trial of criminal cases in said counties,

A bill, to incorporate the town of Homer, in the county Banks, and for other purposes.

A bill, to prescribe the mode of laying out private ways, &c., so far as relates to the county of Henry.

A bill, to authorize the Governor of this State to cause to be established, at some accessible and convenient place, in this State, a State Foundry, and for other purposes.

A bill, to repeal an act of 1853, &c., so far as the county of Decatur is concerned.

A bill, to incorporate the Ben Hill Academy, in the county of Emanuel, and for other purposes.

A bill, to incorporate the Columbus and Whiteville Railroad Company.

A bill, to amend the charter of the town of Cartersville, in the county of Cass.

A bill, to amend the charter of the Southern Botanic Medical College,

They have also passed the following bills of the Senate, with amendments thereto, in which they ask the concurrence of this branch of the General Assembly.

A bill, to repeal an act consolidating the offices of Clerk of the Superior and Inferior Courts of the county of Haralson.

A bill, to change the lines between the counties of Madi-

on and Jackson, between Floyd and Polk, and other counties therein mentioned.

The Senate took up as the report of the committee of the Whole, the following bill of the House of Representatives:

A bill, to be entitled an act to authorize the Ordinary of Campbell county, to pay A. P. McCool, for teaching poor children, for the year 1858, and for other purposes.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the Committee of the Whole, the following bill of the House of Representatives:

A bill, to be entitled an act to amend the act of the 11th December, 1858, in relation to the return of Lottery Managers, and Insurance Companies, and Express Companies, doing business in this State.

Mr. Lawton moved to amend the report, by adding an additional section, postponing the operation of an act relating to foreign Insurance Companies, and to provide for the appointment of an Insurance Commissioner, which was agreed to.

The report as amended was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the Committee of the Whole, the following bill of the House of Representatives:

A bill, to be entitled an act to incorporate a Volunteer Corps of Infantry, in the town of Thomaston, in the county of Upson, and to grant unto them certain privileges.

The report was agreed to, the bill was read the third time and passed.

The following message was received from His Excellency the Governor, by Mr. Campbell, his Secretary, to wit:

Mr. President: I am directed by the Governor to return to this branch of the General Assembly, in which it originated, a resolution in relation to the pardon of William A. Choice, accompanied by a communication in writing.

On motion, the following communication in writing, from His Excellency the Governor was taken up and read:

EXECUTIVE DEPARTMENT,
Milledgeville, Ga., Dec. 15th, 1859. }

To the Senate:

I herewith return the Order of the two Houses, relative to the pardon of William A. Choice, of the county of Fulton, without approval.

This Order recites that the Senate and House of Representatives, at the present session, passed a bill for the pardon of William A. Choice, under sentence of death for the crime of murder, in the county of Fulton, and that the said William A. Choice desires to plead the bill so passed in the proper Court, in his behalf; and after this recital, the General Assembly then orders, that the bill so passed as aforesaid, be placed on file in the office of the Secretary of State, and that the Secretary of State do, on the application of any person, prepare a copy of said bill, so passed as aforesaid, under his seal of office, and deliver such copy, on certificate, to any person applying for the same.

I cannot approve this *Order* to the Secretary of State, because it fails to state the whole truth, and is calculated to mislead the Court and the public, as to the facts in this case; and for the further reason that the Senate, where this *Order* originated, as I am informed upon reliable authority, refused to permit it to be so amended as to require the evidence which shows that the bill passed by the two Houses was disapproved by the Executive, to be filed and certified with it. If the bill were filed and certified, as directed by ~~this Order~~, without being accompanied by the veto message, or a copy of that part of the Journal of the Senate which shows the fact that such message was received, and the action of the Senate upon the bill, after the receipt of the message, it might be insisted before the Court, that the bill had become a law by the failure of the Governor to act upon it within five days after it was presented to him, as there would be no legal evidence, before the Court, of his disapproval of the bill.

The bill for the pardon of William A. Choice passed the Senate, as its Journal will show, by a majority of one vote, and it passed the House of Representatives by a majority of three votes; and was then sent to the Governor for his approval, by whom it was disapproved, and the reasons for such disapproval communicated to the Senate in a message dated December 1st, 1859. An effort was then made, in the Senate, to pass the bill by a Constitutional majority of two-thirds, which was unsuccessful. The friends of the bill then assumed, that it was a law without the sanction of the Governor; and they now propose to have this question adjudicated by the Courts.

While I entertain no doubt upon this question, I shall not hesitate to afford the parties interested every facility in my power for carrying the whole case, including all the facts, fairly before the Courts. If the Chairman of the Enrolling Committee in the Senate, will deposit the bill in the office of the Secretary of State, and notify me of that fact, I will order a copy of my message disapproving the bill, to be filed with it, and so soon as the Journal of the Senate is filed in

the Executive office, I will also order a copy of that part of the Journal which contains the action of the Senate upon the bill after the message was received by the Senate, to be filed with it; after which, I will direct the Secretary of State to prepare and deliver to any person desiring it, on payment of the usual fees, a certified copy of the whole.— This will afford the Counsel of Mr. Choice an opportunity to bring the question fairly before the Courts, and will enable the Courts to adjudicate it with all the facts fairly before them.

I cannot, however, sanction a joint Order of the two Houses, which gives the appearance of legal authority to a bill which I consider a nullity, and thereby send it before the Courts for adjudication, unaccompanied by the facts necessary to a fair hearing of the case.

JOSEPH E. BROWN.

Leave of absence was granted Mr. Snell for the balance of the Session, on account of indisposition.

On motion the morning Session was prolonged until 1½ o'clock.

The Senate took up the resolution in relation to the pardon of William A. Choice, which had been returned by His Excellency the Governor without his signature.

And upon the question shall the resolution be passed by a constitution majority over the veto of His Excellency the Governor, the yeas and nays were recorded and were yeas 48, nays 23.

Those who voted in the affirmative, were Messrs :

Alexander, Allred, Barclay, Barrow, Bartlett, Batts, Bilups, Briscoe, Brown, Burnett, Byars, Chester, Cook, Crittenden, Davis, Evans, Flewellen, Griffin of Brooks, Hackett, Hall, Harris of Worth, Head, Holt, Hood, Jamison, Johnson, of Cass, Jordan, King, Lawton, Lenoir, Lockhart, Matthews, McGehee, McRae, Paine, Printup, Quillian, Rushin, Shelton, Smith of Hancock, Smith of Talbot, Sturges, Summerour, Tracy, Trippe, Ward, Whitehurst, Williams of Terrell.

Those who voted in the negative were Messrs.

Collier, Cooper, Cone, Cowen, Delaperriere, Denham, Gartrell, Glover, Griffin of Twiggs, Hightower, Hitchcock, Hutchins, Hyde, Ivey, Jones, Oliver Shellnut, Walker, Wallace, Whitworth, Williams of Berrien, Wilson, Young.

So the resolution was passed over the veto of His Excellency the Governor by a constitutional majority.

On motion of Mr. Collier the rules were suspended and

he offered the following resolution which was taken up, read, and agreed to :

Resolved by the Senate and House of Representatives, That the Secretary of the Senate be and he is hereby directed to furnish to the Secretary of State, an exemplification from the Journals of the Senate, touching the action of the Senate and the bill for the pardon of Wm. A. Choice, of the county of Fulton, now under the sentence of death for the crime of murder as well as the Governor's veto Message relating to the same together with a copy of this resolution; and that the same thus furnished, be filed in the office of Secretary of State.

The hour of adjournment having arrived the President adjourned the Senate until 3 o'clock, P. M.

3 O'CLOCK, P. M.

The Senate met according to adjournment.

Mr. Evans Chairman of the Select Committee to whom was referred a bill to be entitled an act to apportion the Representatives among the several counties of this State according to the requirements of the Constitution made the following report .

Mr. Evans Chairman of Select Committee appointed by the Senate made the following report : The Committee appointed to ascertain from the present census, the thirty-seven counties of this State which are entitled to two representatives each, according to the Constitution, report that they have made with the assistance of the Comptroller General an examination of the present census, and that the accurate calculations of Mr. Richard V. Jones, who was selected for that purpose ; show that the following are the thirty seven counties entitled to two representatives each—Bibb, Burke, Clarke, Cass, Chatham, Cherokee, Carroll, Cobb, Columbia, Coweta, Decatur, Floyd, Fulton, Greene, Gordon, Gwinnett, Hall, Hancock, Harris, Henry, Houston, Jackson, Meriwether, Monroe, Muscogee, Newton, Oglethorpe, Richmond, Stewart Sumter, Talbot, Thomas, Troup, Walker Walton, Washington, Whitfield.

C. A. EVANS, Chairman Com.

The Senate took up as the report of the committee of the whole, the following bill of the House of Representatives :

“A bill to be entitled an act to apportion the Representatives among the several counties of this State according to the requirements of the Constitution.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the Committee of the Whole, the following bill of the House of Representatives:

"A to be entitled an act to alter and amend the road laws of this State, so far as relates to the counties of Lumpkin and Schley.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, the following bill of the House of Representatives:

A bill to be entitled an act to compensate William T. Williamson for recording the unfinished Journals of the House of Representatives for the year 1851, and 1852.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, the following bill of the House of Representatives:

"A bill to be entitled an act to alter and amend an act passed on the 22d day of Dec., 1857, entitled an act to encourage persons making a will, to provide a permanent fund for the collegiate preparation and education of indigent boys and young men.

The report was agreed to, the bill was read the third time and passed.

The Senate took up, as the report of the committee of the whole, the following bill of the House of Representatives:

"A bill to be entitled an act to amend an act to protect Religious Societies in the exercise of their religious duties, approved Dec. 13th, 1792.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, the following bill of the House of Representatives:

A bill to be entitled an act to incorporate Clayton High School, and for other purposes therein named.

Mr. Ward moved to amend the report by adding additional sections, appointing Daniel Hall and others. Trustees of the Union Male and Female Academy of the county of Greene, and defining their duties as such, which was agreed to.

The report as amended was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, the following bill of the House of Representatives:

A bill to be entitled an act to authorize the Justices of the Inferior Court of Rabun county to levy an extra tax, and for other purposes.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, the following bill of the House of Representatives:

A bill to be entitled an act to establish the county line between the counties of Montgomery and Tattnall, and also, between Tattnall and Emanuel.

The report was agreed to, the bill was read the third time, and passed.

The Senate took up, as the report of the Committee of the Whole, the following bill of the House of Representatives:

A bill to be entitled an act to amend the charter of the McBean Company, granted February 11th, 1850.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, the following bill of the House of Representatives:

A bill to be entitled an act to consolidate the offices of the Clerk of the Superior and Inferior Courts of the county of Schley, and to reduce the Bond of the Sheriff of said county.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, the following bill of the House of Representatives:

A bill to be entitled an act to repeal the 7th and 9th sections of an act to incorporate the village of Chickasawhatchee in formerly Lee now Terrell county, and to add an additional section to said act, and for other purposes therein mentioned.

The report was agreed to, the bill read the third time and passed.

The Senate took up as the report of the committee of the Whole, the following bill of the House of Representatives:

A bill to be entitled an act for the relief of Andrew J. Lovelady of the county of Pickens, and for other purposes.

The report was agreed to, the bill was read the third time and passed.

The following Message was received from the House of Representatives, by Mr. Diamond their Clerk.

Mr. President: The House of Representatives have concurred in the Senate amendments to the following bills of the House of Representatives.

A bill to amend the act of the 11th December, 1858, in relation to the returns of Lottery Managers, Insurance Companies and Express Companies doing business in this State.

A bill to amend the charter of the Savannah Volunteer Guards, of the city of Savannah.

A bill to incorporate the Mutual Building and Loan Association of Columbus.

A bill to change the line between the counties of Irwin and Berrien, and also, between the counties of Macon and Dooly.

A bill to add a part of the county of Gilmer to the county of Faunin, and also, to change the line between the counties of Troup and Merriwether and Troup and Harris.

A bill to amend the charter of the Atlantic American Screw Steamship Company, granted 19th December, 1857, and to allow an increase of the capital of said Company.

A bill to consolidate the offices of Clerk of the Superior and Inferior Courts of the counties of Hall and Dade.

A bill to constitute the town of Cuthbert in Randolph county a city, and for other purposes.

The Senate took up as the report of the committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act for the relief of Francis Daniel Sheriff of the county of Dade.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act for the encouragement of Fire Companies in the city of Augusta, and to exempt certain members from jury duty, and for other purposes.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the Committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act to amend the second section of an act entitled an act, to provide against the forfeiture of the several Banks charters in this State, on account of non-specie payment for a given time, and for other purposes therein named, passed 22d Dec., 1857.

The report was agreed to, the bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act to change and fix the time of holding the Inferior Courts of the county of Randolph.

The report was agreed to. The bill was read the third time and passed.

Mr. Paine, from the committee on Enrollment, reported as duly enrolled signed by the Speaker of the House of Representatives and ready for the signature of the President of the Senate.

An act for the relief of D. M. and G. W. Smith, and their securities for a certain bond.

Also, an act to change the times of holding elections for county officers, Judges of the Superior Courts, Attorney and Solicitor General except Ordinarys in this State.

Also, an act to amend the several acts of the General Assembly, relating to the Savannah Albany Railroad Company, and the Savannah Albany and Gulf Railroad Company and to authorize them to construct branch roads.

Also, an act to amend an act to change certain county lines, approved March 1st, 1856.

Also, an act to change the name of the Southern Central Agricultural society of Georgia, and for other purposes.

Also, an act to consolidate the offices of Clerk of the Superior and Inferior Courts in the county of Quitman.

Also, an act to authorize the Mayor and Council of the city of Macon, to lease a portion of the Public Reserve for certain purposes.

Also, an act to change the times of holding the Inferior Courts of the counties of Webster, Dade and Floyd, and to change the times of holding the Superior Courts of Richmond, Glynn, Banks and Floyd.

Also, an act to take certain lots of land therein named, from Macon county, and add them to the county of Taylor, and for other purposes.

Also, an act to alter and amend the charter of the Atlantic and Gulf Railroad Company, and to locate the west end of the same.

Also, an act to prescribe the time of holding elections for Senators in the Congress of the United States from the State of Georgia.

Also, an act for the relief of William M. Pryor of Fayette county, &c.

Also, an act to amend an act to regulate Toll Bridges, Ferries and Turnpike Roads, approved December 29th, 1808, and to prescribe certain penalties for violation of said act.

Also, an act for the relief of Wilson W. Poe, of the county of Early.

Also, a bill to incorporate the Georgia Grays of the city of Columbus, and to extend to them certain privileges.

Also, an act to incorporate a Mining Company in Carroll county, and in other counties in the State of Georgia.

Also, an act to empower ex-Judges of the Superior Courts to sign bills of exception in certain cases.

The following message was received from His Excellency the Governor by Mr. Waters, his Secretary, to wit:

Mr. President:—The Governor has signed the following acts, to wit:

An act to incorporate the Stewart Volunteers, and other Volunteer Companies herein mentioned, and to extend certain privileges to them, and all other Volunteer Companies now organized, or hereafter to be organized in this State, and for other purposes.

An act to require the Ordinary of the county of Worth to pay John Everett's account for teaching poor children of said county, in the years 1857 and 1858, and to authorize the Ordinaries of the several counties of this State to pay teachers of poor children, in their respective counties, as herein specified.

An act to authorize the county of Thomas to aid in the construction of the South Georgia and Florida Railroad, and for other purposes therein mentioned.

An act for the purpose of attaching a strip of unsurveyed land lying between the fourth and sixth districts of originally Early county, to the county of Early, and for other purposes therein contained.

An act to amend an act entitled an act to incorporate the town of Dalton, under the name and style of the city of Dalton, and for other purposes, approved December 28th, 1853.

An act to amend an act entitled an act to lay out and form a new county out of the counties of Marion and Sumter, and to organize the same, assented to December 22d, 1857, also, to change the county lines, and for other purposes therein mentioned.

The Senate took up, as the report of the Committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act to authorize the Ordinary of Henry county, to pay to W. W. Campbell, tuition money for poor children for the year 1857.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act to alter and amend the several acts in relation to Bibb county Academy, and to change the name of the same.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act for the relief of Jabes M. White, of the county of Hancock.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act to incorporate the city of Greenboro, to provide for its government, define its powers, and for other purposes therein mentioned, approved March 5th, 1856.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act to incorporate the Georgia Baptist Bible and Colporteur Society.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act for the relief of Mrs. Isabella Adams, of the county of Murray.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, the following bill of the House of Representatives.

A bill to be entitled an act to declare certain words slanderous and actionable *per se*, and for other purposes.

Mr. Trippe, moved to amend by striking out the following words in the first section after the word "State" "the charge of adultery or adultery and fornication in any manner" and inserting in lieu thereof the words "carnal knowledge and connexion," which was agreed to.

The report, as amended, was agreed to the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act to prohibit the holders of bills of exchange or drafts drawn and accepted, on account of spidments or transfers of cotton, and to punish those who fraudulently violate their contracts of acceptance, or misapply the cotton received or its proceeds.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the Committee of the whole, the following bill of the House of Representatives.

A bill to be entitled an act to compel the chartered Banks

of this State once in every year, to publish a list of their depositors and the amount to the credit of each.

On motion the same was postponed indefinitely.

The Senate took up as the report of the Committee of the whole, the following bill of the House of Representatives.

A bill to be entitled an act to exempt practicing physicians, of the county of Appling from jury duty.

On motion the same was laid on the table for the balance of the session.

The Senate took up, as the report of the committee of the whole, the following bill of the House of Representatives.

A bill to be entitled an act to add another section to the 7th division of the Penal Code of this State, and for other purposes therein mentioned.

On motion, the same was postponed indefinitely.

The Senate took up as the report of the Committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act to incorporate the Baptist Church at the Head of Tennessee, in the county of Rabun and to appoint trustees for the same.

On motion, the same was postponed indefinitely.

The Senate took up as the report of the committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act to facilitate the rendition of judgments against Sheriffs and their securities.

On motion, the same was postponed indefinitely.

The Senate took up as the report of the committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act to change the penalty prescribed in the 3th section of an act entitled an act, to prohibit the sale of deadly weapons, and to prescribe the manner of carrying the same, &c.

On motion the same was postponed indefinitely.

The Senate took up as the report of the committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act to change the line between the counties of Irwin and Coffee, and also, between Taylor and Schley, and also, between the counties of Cobb and Paulding.

Mr. Whitworth, moved to amend the report by exempting the county of Paulding, from all the provisions of this bill.

The Senate took up the report of the Committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act to appropriate fifteen hundred dollars towards the building of a Turnpike and Bridge over Spring Creek in Miller county, and to authorize the Justices of the Inferior Court of said county, to levy an extra tax to raise a fund for the same purpose.

Mr. Roberts, called for the previous question, which was seconded, the main question was ordered to be put, which was the passage of the bill.

The report was agreed to, upon the question shall this bill now pass, the yeas and nays were recorded, and were yeas 30, nays 47.

Those who voted in the affirmative were Messrs.

Atkinson, Bartlett, Brown, Chester, Collier, Cook, Davis, Evans, Griffin of Twiggs, Hackett, Harris of Worth, Hyde, Ivey, Jamison, King, Lamar, Lawton, McRae, Paine, Printup, Quillian, Reid of Morgan, Reid of Taliaferro, Riley, Roberts, Shelton, Tarver, Tracy, Williams of Berrien, Young.

Those who voted in the negative, were Messrs.

Allred, Barclay, Barrow, Batts, Billups, Boggs, Bond, Briscoe, Burnett, Byars, Cloud, Cooper, DeLapierre, Denham, Flewellen, Gartrell, Glover, Grice, Griffin of Brooks, Hall, Head, Hightower, Hines, Hitchcock, Holt, Hood, Hutchins. Jones, Lenoir, Lockhart, McGehee, Moore of Whitfield, Oliver, Robinson, Shellnut, Sheppard, Smith of Hancock, Smith of Talbot, Sturges, Summierour, Trippe, Walker, Wallace, Ward, Wellborn, Whitehurst, Whitworth, Williams of Rabun, Wilson,

So the bill was lost.

The following message was received from the House of Representatives, by Mr. Diamond their Clerk.

Mr. President: The House of Representatives have passed the following bills of the Senate :

A bill to amend an act limiting the time which suits in the Courts of law in this State, must be brought &c., approved March 6th, 1856.

A bill to amend the charter of the Ellijay Railroad Company.

A bill to amend an act entitled an act to submit the question of the removal of the county site of Montgomery county the voters of said county &c., assented to December 21st, 1857

A bill to recognize under certain circumstances the boun-

dary line between the States of Georgia and Florida, and for other purposes.

A bill to incorporate the town of Summerville in the county of Emanuel, and for other purposes.

A bill to incorporate the Jenner Medical Society of Oglethorpe Medical College at Savannah.

A bill to repeal so much of the 1st section of an act entitled an act, to appoint county Treasurers and define their duties, approved December 24th, 1825, so far as relates to the counties of Forsyth, Newton, Hall and Baker.

A bill to make valid certain sales of real estate, heretofore made by Executors, Administrators and Guardians of this State.

They have also passed the following bills of the Senate with amendments thereto, in which they ask the concurrence of this branch of the General Assembly:

A bill to prevent free persons of color from being brought or coming in this State.

A bill to amend an act of 1835, incorporating the town of LaFayette in Walker county, and for other purposes.

A bill to change the line between the counties of Campbell and Coweta, and between the counties of Taylor and Schley, and for other purposes.

Mr. Briscoe, from the Committee on Enrollment, reported as duly enrolled, and ready for the signature of the President of the Senate:

An act to repeal a portion of the 8th section of an act approved December 11th, 1858, entitled an act to provide for the education of the children of this State, between certain ages, so far as the same relates to Emanuel, and for other purposes.

Also, an act to consolidate the offices of Clerk of the Superior and Inferior Courts of Chattooga county.

Also, an act to change the line between Elbert and Madison counties.

Also, an act to change the line between Dougherty and Worth counties.

Also, an act to correct and perfect the plat and grants to lot of land number 112 in the 4th District, so originally Applying now Pierce county, so as to change the title to William instead of Abraham Osteen.

Also, an act to amend the several acts incorporating the town of Cartersville in Cass county, and for other purposes.

Also, an act to authorize Stephen Ellis an old man of Gwinnett county, to trade without license in said county.

Also, an act to amend the act to organize a Volunteer Batallion in the city of Savannah to be called the Indepen-

dent Volunteer Batallion of Savannah, and for other purposes.

Also, an act to provide compensation to Coroners for burying insolvent persons.

Also, an act to incorporate the Alabama Planters Steamboat Company, and for other purposes.

Also, an act for the better protection and security of Orphan children and their estates.

Also, an act facilitating Mining operations for Gold, and for other purposes, in White county.

Also, an act to amend the law of descent in cases of persons who are illegitimate or born out of lawful wedlock, dying intestate.

The Senate took up the following bill of the Senate which had been amended by the House of Representatives:

A bill to be entitled an act to prevent free persons of color commonly known as free negroes, from being brought or coming into the State of Georgia.

On motion the amendments were concurred in except the additional sections, which were disagreed to.

The following Message was received from the House of Representatives by Mr. Diamond, their Clerk:

Mr. President:—The House of Representatives have passed the following bill of the Senate with an amendment thereto, in which they ask the concurrence of this Branch of the General Assembly:

A bill to amend the 1st section of the 3d article of the Constitution of this State.

The following message was received from the House of Representatives by Mr. Diamond, their Clerk:

Mr. President:—The House of Representatives have receded from these amendments, to the following bills of the Senate:

A bill to explain the 10th section of the 10th division of the Penal Code.

A bill to define and punish vagrancy in free persons of color.

The following Message was received from His Excellency the Governor by Mr. Campbell his Secretary, to wit:

Mr. President:—I am directed by the Governor, to return to this branch of the General Assembly in which it originated,

A bill to pardon John Fundy of the county of Gwinnett,

now under sentence of death for the crime of murder, with a communication in writing relating thereto.

Mr. Paine from the committee on enrollment reported as duly signed by the Speaker of the House of Representatives and ready for the signature of the President of the Senate.

An act for the support of Government for the political year 1860, and to make certain appropriations, and for other purposes therein mentioned.

The Senate took up as the report of the committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act to exempt from levy and sale certain property therein mentioned, and for other purposes.

Mr. Usry, moved to amend the report by adding the following proviso :

Provided, That all persons not having the property mentioned in this bill, the same shall be given them by the State, which was lost.

Mr. Cook, moved further to amend the report by striking out of the 1st section, "two beds and bedding" and inserting all the beds and bedding they may be possessed of.

On motion to postpone the bill and amendments indefinitely, the yeas and nays were recorded, and were yeas 19, nays 58.

Those who voted in the affirmative were Messrs.

Allred, Cowen, DeLaperriere, Grice, Hightower, Holt, Hutchins, Reid of Taliaferro, Riley, Shellnut, Stanges, Summerour, Trippe, Usry, Wellborn, Whitehurst, Whitworth, Williams of Rabun, Young.

Those who voted in the negative, were Messrs

Barclay, Barrow, Batts, Billups, Brown, Burnett, Byars, Chester, Collier, Cooper, Cook, Cone, Davis, Evans, Flewellen, Gartrell, Glover, Griffin of Brooks, Giddin of Twiggs, Hackett, Hall, Harris of Worth, Head, Hines, Hitchcock, Holt, Hood, Hyde, Ivey, Jamison, Jones, Jordan, Lawton, Lenoir, Lockhart, Lott, Matthews, McGehee, McLeod, McRae, Moore of Whitfield, Oliver, Paine, Quillian, Robinson, Roberts, Rushin, Sawyer, Shelton, Stempard, Smith of Hancock, Smith of Talbot, Tarver, Tracy, Walker, Wallace, Ward, Williams of Terrell, Wilson.

So the motion to postpone did not prevail.

Mr. Paine, called for the previous question which was seconded, the main question was ordered to be put which was on the passage of the bill.

The report as amended was agreed to, the bill was read the third time and passed.

Mr. Cone, moved that when the Senate adjourn it meet again at 6½ o'clock, which was agreed to.

The hour of adjournment having arrived, the President adjourned the Senate until 6½ o'clock P. M.

EVENING SESSION.

6½ O'CLOCK, P. M.

The Senate met according to adjournment.

The Senate took up, as the report of the Committee of the Whole, the following bill of the House of Representatives:

A bill, to be entitled an act to increase the duties of the Comptroller General, and to provide compensation for the same, and for other purposes therein named.

The report was agreed to, the bill was read the third time and passed.

Mr. Billups, Chairman of the committee on Agriculture, made the following report:

The committee on Agriculture, to whom was referred,

A bill, to be entitled an act to change the name of the Southern Central Agricultural Society, and to appropriate money for the benefit of the same, have had the same under consideration, and report the same back to the Senate without any recommendation.

The Senate took up, as the report of the Committee of the Whole, the following bill of the House of Representatives:

A bill to be entitled an act to change the name of the Southern Central Agricultural Society, and to appropriate money for the benefit of the same.

Mr. Billups moved, that the same be laid on the table for the present.

Upon agreeing to which motion, the yeas and nays were recorded, and were yeas 59, nays 15.

Those who voted in the affirmative, were Messrs.

Allred, Atkinson, Barclay, Batts, Billups, Boggs, Bond, Brown, Byars, Chester, Cloud, Cook, Cone, Cowen, Crittenden, Davis, Delaperriere, Evans, Flewellen, Gartrell, Glover,

Griffin of Brooks, Griffin of Twiggs, Hall, Harris of Worth, Head, Higginower, Hill of Sumner, Hines, Hitecock, Holt, Hyde, Ivey, Lamm, Lockhart, McGhee, Moore of Whitefield, Oliver, Reid of Morgan, Riley, Robinson, Roberts, Rushin, Sawyer, Shelton, Sheppard, Smith of Talbot, Turner, Tracy, Trippe, Walker, Wallace, Ward, Wellborn, Whitehurst, Whitworth, Williams of Rabun, Williams of Terrell, Wilson, Young.

Those who voted in the negative, were Messrs.

Briscoe, Burnett, Collier, Cooper, Hutchins, Johnson of Cass, Jones, King, Lawton, Lenoir, Matthews, Paine, Reid of Taliaferro, Smith of Hancock, Sturges.

So the motion to lay on the table for the present prevailed.

Mr. Paine, from the committee on Enrollment, reported as duly enrolled, signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate:

An act to amend the charter of the town of Washington, in Wilkes county, and to authorize and empower the Commissioners of the town of Forsyth, Monroe county, to regulate the sale of spirituous liquors within the corporate limits of the town.

Also, an act to incorporate the Richmond Fire Company, No. seven, (7,) and for other purposes.

Also, an act to amend an act entitled an act to amend the Road Laws of this State, so far as relates to the county of Coffee, approved March 1st, 1856, so as to apply the provisions of said act to the county of Clinch.

Also, an act for the relief of Sterling S. Jenkins, of the county of Merriwether.

Also, an act to incorporate the Savannah and Baltimore Steamship Company.

Also, an act to incorporate the Owl Town and Coosa Creek Mining Company, the Masonic Hall Company, in the city of Atlanta.

Also, an act to regulate the testimony of Attorneys at Law, and for other purposes.

Also, an act to regulate the sale of spirituous liquors in the county of Stewart.

Also, an act to authorize the Justices of the Inferior Court of Sumter county, to levy an extra tax for county purposes.

Also, an act to authorize the Ordinary of Campbell county, to pay A. P. McCool for teaching poor children, for the year 1858, and for other purposes.

Also an act to incorporate Gate City Guards, of Atlanta, and to grant certain immunities and privileges.

The following message was received from his Excellency the Governor, by Mr. Waters, his Secretary, to-wit :

*Mr. President :—*The Governor has signed the following acts, to wit :

An act to declare the true intent and meaning of the twentieth section of an act entitled an act to carry into effect the amended Constitution in reference to the Ordinaries of said State, and for other purposes.

An act, to change the eighteenth section of the fourteenth division of the Penal Code of this State, and for other purposes.

An act to define and enlarge the duties of Treasurers of the several counties of this State.

An act to declare the meaning and intention of an act to exempt from levy and sale under execution, certain property therein mentioned, assented to December 22nd, 1857.

An act to alter the Tax Laws of this State.

The Senate took up as the report of the Committee of the Whole the following bill of the House of Representatives:

A bill, to be entitled an act to allow persons to make a return of their taxable property to the Clerk of the Superior Court in certain cases, and for certain purposes therein mentioned.

The report was agreed to, the bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole, the following bill of the House of Representatives:

A bill, to be entitled an act for the relief of Joseph White, of the county of Jackson.

The report was agreed to, the bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole, the following bill of the House of Representatives:

A bill, to be entitled an act for the relief of Charles S. Oliver and Charles J. Oliver, of Clark county.

Mr. Matthews, called for the previous question, which being seconded, the main question was ordered to be put which was the passage of the bill.

The report was agreed to, upon the question shall this bill now pass? the yeas and nays were recorded. and were yeas 42, nays 27.

Those who voted in the affirmative were Messrs.

Barclay, Bartlett, Batts, Billups, Bond, Briscoe, Burnett, Byars, Chester, Cloud, Cooper, Cook, Crittenden, Davis, Delaperriere, Flewellen, Griffin of Brooks, Hall, Head, Hines, Hood, Hutchins, Hyde, Johnson of Clayton, Johnson of Cass, Jones, King, Lawton, Matthews, Moore of Whitfield, Oliver, Reid of Morgan, Sawyer, Shelton, Sheppard, Tarter, Tracy, Trippe, Wallace, Ward, Wellborn, Wilson.

Those who voted in the negative, were Messrs.

Allred, Atkinson, Brown, Cone, Cowen, Garrett Griffin of Twiggs, Harris of Worth, Hightower, Hitchcock, Ivey, Lamar, Lenoir, Lockhart, McRae, Quillian, Reed of Taliaferro, Riley, Robinson, Smith of Hancock, Starnes, Walker, Whitehurst, Whitworth, Williams of Rabun, Wilams of Terrell, Young.

So the bill was passed.

The following message was received from the House of Representatives, by Mr. Diamond their clerk.

Mr. President: The House of Representatives has, by a Constitutional vote of 76 yeas to 16 nays, passed the resolution relative to the pardon of William A. Choate over the veto of His Excellency Gov. Brown.

The Senate took up, as the report of the Committee of the Whole, the following bill of the House of Representatives:

A bill, to be entitled an act to endow Florence E. Winn, a minor of Liberty county, Georgia, with all the rights and privileges of majority.

Mr. Wallace moved to amend the report, by adding the following additional section:

Be it further enacted, That the liability of said Executor shall continue for the full space of twelve months after the said ward shall arrive at the full age of twenty-one years, which was lost.

The report was agreed to, upon the question: Shall this bill now pass? the yeas and nays were recorded, and were yeas 45, nays 30.

Those who voted in the affirmative were Messrs.:

Allred, Atkinson, Barclay, Bartlett, Billups, Batts, Bond, Briscoe, Brown, Burnett, Byars, Chester, Cloud, Cook, Flewellen, Griffin of Brooks, Harris of Worth, Hines, Holt, Hyde, Jamison, Johnson of Cass, King, Lenoir, Matthews,

McRae, Oliver, Paine, Printup, Quillian, Reid of Morgan, Reid of Teliaferro, Riley, Roberts, Sawyer, Shelton, Smith of Hancock, Tarver, Tracy, Trippe, Ward, Whitehurst, Williams, of Terrell, Young.

Those who voted in the negative were Messrs.

Cooper, Cone, Cowen, Crittenden, Delaperriere, Denham, Gartrell Grice, Griffin of Twiggs, Hall, Head, Hightower, Hitchcock, Hood, Hutchins, Ivey, Jones, Lamar, Lawton, Lockhart, McGehee, Smith of Talbot, Sturges, Walker, Wellborn, Whitworth, Williams of Rabun, Wilson.

So the bill was passed.

The following message was received from the House of Representatives, by Mr. Diamond, their Clerk:

Mr. President: The House of Representatives have recessed from their amendment adding additional sections to

A bill, to be entitled an act to prevent free persons of color, commonly known as free negroes, from being brought or coming into the State of Georgia, in which the Senate refused to concur.

Mr. Paine moved that the rules be suspended, for the purpose of offering a resolution, which was agreed to.

Mr. Paine offered the following resolution, which was taken up, read and agreed to.

Resolved, That the Doorkeeper and Messenger of the Senate, have the Senate Chamber lighted up in a better manner to-morrow night, should the Senate be in session.

On motion of Mr. Lenoir, the following communication in writing, from His Excellency the Governor, was taken up and read.

EXECUTIVE DEPARTMENT, }
Milledgeville, Ga., Dec. 15th, 1859. }

To the Senate:

I return without approval a bill entitled "an act to pardon John Bundy of the county of Gwinnett, now under sentence of death for the crime of murder."

I am informed upon undoubted authority that a bill of exceptions has been tendered to the presiding Judge in this case, and signed by him, and the case is now on its way to the Supreme Court for *final adjudication*. On signing the bill of exceptions, the presiding Judge passed an order, superceding the judgment of the Superior Court, till the hearing in the supreme Court, and the further judgment of the

Superior Court. There is not therefore at present any subsisting judgment of the Court against the defendant, under which he could ever be *executed*; and he is not as this bill recites "now under sentence of death for the crime of murder." His case is pending before the Court for adjudication and he may, or may not, hereafter be finally convicted, and sentenced to suffer the extreme penalty of the law.— For the reasons given in my message to the House of Representatives, at its present Session, in connection with the bill for the pardon of Thomas C. Whitworth of Chattooga county, which are, I presume, generally known to Senators; I deny that either the Executive or Legislative Department of the Government has yet acquired any jurisdiction over this case, under the provisions of the Constitution of this State. For the present, therefore, I am content to leave it where the Constitution has left it—with the Courts, not doubting that the law will be faithfully and impartially administered.

JOSEPH E. BROWN:

The Senate took the following bill of the Senate which had been amended by the House of Representatives:

A bill to be entitled an act to repeal the 5th section of an act to change and fix the time of holding the Superior Courts of the county of Lumpkin, and to authorize the drawing and summoning of Grand and Petit jurors for said courts, and to add the county of Lumpkin to the Western Circuit, and to authorize the holding of said Courts on the 4th Monday in March and September.

On motion the amendment of the House was disagreed to.

The Senate took up, as the report of the Committee of the Whole, the following bill of the House of Representatives:

A bill to be entitled an act to empower the Justices of the Inferior Court, or a majority of them, of Wayne county to levy an extra tax, for the purpose of building and erecting a bridge across the big Buffalo near Sheffield's old Mills, and for other purposes therein mentioned.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, the following bill of the House of Representatives:

A bill to be entitled an act to prevent the peddling of spirituous liquors in Greene, Henry, Sumter, Laurens and other counties therein mentioned.

Mr. Beas moved to amend the Report by adding Butts, Baker, Eiler, Upson, Gwinnett, Decatur, Schley and Spalding, which was agreed to.

The report as amended was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole, the following bill of the House of Representatives :

A bill to be entitled an act to amend an act entitled an act to amend the road laws of this State so far as respects the county of Cherokee, and to amend the several acts regulating Roads in this State so far as respects the operation of said acts in the county of Bryan.

On motion the same was postponed indefinitely.

The Senate took up as the report of the Committee of the whole, the following bill of the House of Representatives.

A bill to be entitled an act to authorize the Justices of the Inferior Court of Cobb county to levy an extra tax for the purpose of building a Jail in said county, and for other purposes therein mentioned.

The report as amended was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the Committee of the Whole, the following bill of the House of Representatives :

A bill to be entitled an act to incorporate a Volunteer Corps of Infantry in the city of Greensboro, and also, a Volunteer Corps in Covington, and in Monroe in Walton county and to grant unto them certain privileges.

The report as amended was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the Committee of the whole, the following bill of the House of Representatives :

A bill to be entitled an act to amend an act approved the 20th of March, 1854, in relation to Patrols, and for other purposes, so far as the same relates to the county of Richmond.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, the following bill of the House of Representatives :

A bill to be entitled an act to incorporate a Volunteer Corps of Artillery in the town of Athens, and to grant unto them certain privileges.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, the following bill of the House of Representatives :

A bill to be entitled an act to incorporate the town of Fort Gaines in the county of Clay, to define Jurisdictional limits and for other purposes.

Mr. Burnett moved to amend the report by adding the following proviso :

Provided, that nothing herein contained shall be so construed as to include within said corporate limits the residences of B. F. Burnett and R. J. F. Grist without their consent, and if such consent is not given, then the line to be so changed that the said Burnett and Grist be excluded from said corporation, which was agreed to.

Mr. Tracy moved further to amend the report by adding an additional section, and to change the caption, which was agreed to.

The report as amended was agreed to, the bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole, the following bill of the House of Representatives :

A bill to be entitled an act to alter and change the name and style of the the Mechanics Savings Bank, to the corporate name and style of the "Farmers and Mechanics' Bank," and for other purposes connected with said change of name and style.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the Committee of the Whole, the following bill of the House of Representatives :

A bill to be entitled an act to prevent free negroes and slaves from keeping eating tables, and from living separate and apart from their owners, hirers or guardians, and to prevent their trafficking and trading in the town of Crawfordville and the town of Warrenton in this State, and to prescribe punishment for the same, and for other purposes.

The report was agreed to, the bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole, the following bill of the House of Representatives :

A bill to be entitled an act to amend the law in relation to the foreclosure of mortgages on real property and the sale thereof, and to prescribe a form for all mortgages, and for other purposes therein mentioned.

On motion, the same was indefinitely postponed.

The Senate took up as the report of the Committee of the Whole, the following bill of the House of Representatives :

A bill to be entitled an act to change the county line between the counties of Milton and DeKalb, and Milton and Gwinnett, and define the line between the counties of Early and Miller.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act to alter the time of holding the elections of Receiver of Tax Returns, and Tax Collectors in this State, to prescribe the mode in which they shall give bond, &c.

On motion the same was postponed indefinitely.

The Senate took up as the report of the committee of the whole, the following bill of the House of Representatives :

A bill to be entitled an act to charter the Central Insurance Company of Georgia, and to confer on said Company certain rights, &c.

Mr. Tracy moved to amend the report by adding the following section :

And be it further enacted, That the stockholders shall be individually liable for the debts of the corporation in proportion to the number of shares of stock owned by each, which was agreed to.

Mr. Lawton moved further to amend the report by amending the caption so as to require Agents of Life Insurance Companies to make annual returns and pay taxes; and by adding an additional section requiring Agents of Foreign Life Insurance Companies to make annual returns at the same time other insurance agents do, &c., which was agreed to.

The report as amended was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, the following bill of the House of Representatives :

A bill to be entitled an act to declare the law in regard to deeds to land made during adverse possession.

Mr. Smith of Talbot, moved to amend the report by striking out the words "heretofore made or" after the word "lands," which was agreed to.

The report as amended was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, the following bill of the House of Representatives:

A bill to be entitled an act to define certain duties of the several Railroad Agents in this State, and for other purposes therein mentioned.

On motion the same was postponed indefinitely.

The Senate took up as the report of the committee of the whole, the following bill of the House of Representatives :

A bill to be entitled an act to amend an act to authorize the issuing of attachments and garnishments, and to regulate the proceeding in relation to the same, and for other purposes therein mentioned, approved March 4th, 1856, &c.

On motion, the same was postponed indefinitely.

The Senate took up as the report of the committee of the whole, the following bill of the House of Representatives:

A bill to be entitled an act to repeal the first, second and third sections of an act to prescribe certain rules and regulations to be observed by the several Railroad Companies in running engines upon their respective tracks, and annex a penalty for the violation of the same, approved January 22d, 1852, &c.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, the following bill of the House of Representatives:

A bill to be entitled an act to confer certain powers upon juries at law.

On motion, the same was postponed indefinitely.

The Senate took up the following bill which had been vetoed by His Excellency the Governor:

A bill for the pardon of John Fundy, now under sentence of death for the crime of murder in the county of Gwinnett.

On motion, the same was laid on the table for the present.

Mr. Holt offered the following resolution, which was taken up, read and agreed to.

Resolved by the General Assembly, That if the case of John Fundy, found guilty of murder in the county of Gwinnett, has not been or is not carried to the Supreme Court, that the Governor be requested to respite him until the next session of this General Assembly.

Mr. Bartlett moved that the evening session be prolonged one hour, which was agreed to.

The Senate took up as the report of the committee of the whole, the following bill of the House of Representatives:

A bill to be entitled an act for the relief of John T. Martin of the county of Hancock.

The report was agreed to, the bill was read the third time and passed.

The Senate took up the following bills of the House of Representatives, which were severally read the second time and referred to the committee of the whole:

A bill to be entitled an act to regulate manufactories of this State, and for other purposes.

Also, a bill to be entitled an act to exempt from taxation certain persons and for other purposes.

The Senate took up as the report of the Committee of the Whole, the following bill of the House of Representatives:

A bill to be entitled an act to incorporate a Medical College in the city of Griffin to be called the Middle Georgia Medical College.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the Committee of the Whole, the following bill of the House of Representatives:

A bill to be entitled an act to alter and amend the law of descents in cases of persons who are illegitimate or born out of lawful wedlock, dying intestate.

On motion, the same was laid on the table for the present.

The Senate took up as the report of the committee of the whole, the following bill of the House of Representatives:

A bill to be entitled an act to alter and amend the claim laws of this State, and for other purposes therein mentioned.

On motion the same was postponed indefinitely.

The Senate took up as the report of the committee of the whole, the following bill of the House of Representatives:

A bill to be entitled an act to prevent minors from selecting a new guardian at their own option upon arriving at fourteen years of age, and for other purposes.

On motion, the same was postponed indefinitely.

The Senate took up as the report of the Committee of the Whole, the following bill of the House of Representatives:

A bill to be entitled an act to authorize the Chairman and Commissioners of the town of Louisville to tax free persons and for, retailers of spirituous liquors, billiard tables, &c., and for other purposes therein mentioned.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, the following bill of the House of Representatives:

A bill to be entitled an act to add land lot No. 345, in the 13th district of Thomas county, to the county of Colquitt, and to change so far the county lines.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, the following bill of the House of Representatives:

A bill to be entitled an act to fix the pay of the Guard of the State Penitentiary for the future.

The report was agreed to, the bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole, the following bill of the House of Representatives:

A bill to be entitled an act to protect and quiet the possession of lands, and to prevent persons from keeping possession of lands against landlords after the termination of the case, and for other purposes.

The report was agreed to, the bill was read the third time and lost.

The Senate took up, as the report of the committee of the whole, the following bill of the House of Representatives.

A bill to be entitled an act to prescribe the time for the State Printer to furnish Acts and Journals, and for other purposes therein mentioned.

The report was agreed to, the bill was read the third time and lost.

The Senate took up as the report of the committee of the Whole, the following bill of the House of Representatives:

A bill to be entitled an act to amend the fifth section of an act passed on the 27th January, 1852, entitled an act more effectually to prevent fraud in elections in this State, and to detect and punish the same.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole, the following bill of the House of Representatives:

A bill to be entitled an act to alter and amend the road laws of this State so far as relates to the county of Quitman, and other counties therein named.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act to incorporate the City Gas Light Company in the city of Augusta.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act to authorize Whitmill Horne of the county of Bibb to practice medicine, and to charge and collect compensation for the same.

The report was agreed to, the bill was read the third time, and passed.

The Senate took up as the report of the committee of the Whole, the following bill of the House of Representatives:

A bill to be entitled an act to incorporate a volunteer military company in the town of Fort Gaines, and also the Lincoln Volunteers, and confer upon them certain privileges herein named.

The report was agreed to, the Bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, the following bill of the House of Representatives:

A bill to be entitled an act to incorporate the South-Western Magnetic Telegraph Company, and for other purposes.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, the following bill of the House of Representatives:

A bill to be entitled an act to amend the Judiciary act of Georgia so far as relates to the county of McIntosh, and to require Magistrates in this State to consolidate suits brought at the same term between the same parties, if the aggregate do not exceed fifty dollars.

Mr. Trippe moved to amend the report by striking out the third section, which was agreed to.

The report as amended was agreed to, the bill was read the third and passed.

The Senate took up, as the report of the Committee of the Whole, the following bill of the House of Representatives:

A bill to be entitled an act to prevent and make penal the betting on elections.

On motion the same was indefinitely postponed.

The Senate took up, as the report of the committee of the whole, the following bill of the House of Representatives:

A bill to be entitled an act for the relief of the heirs of Everett Wells, deceased.

The report was agreed to, the bill was read the third time and passed:

The Senate took up, as the report of the Committee of the Whole, the following bill of the House of Representatives:

A bill to be entitled an act to provide how fines and forfeitures in criminal cases shall be received and disposed of, and for other purposes therein mentioned.

On motion, the same was postponed indefinitely.

The Senate took up as the report of the Committee of the Whole, the following bill of the House of Representatives:

A bill to be entitled an act to define and establish the fees of Ordinaries, Clerks of the Superior and Inferior Courts, Sheriffs, Jailors, Justices of the Peace, and Constables of this State and for other purposes, so far as relates to the fees of Sheriffs in the counties of Cass, Dade and Chattooga.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, the following bill of the House of Representatives:

A bill to be entitled an act to alter and amend the charter of the city of West Point, and for other purposes.

On motion, the same was postponed indefinitely.

The Senate took up as the report of the committee of the whole, the following bill of the House of Representatives:

A bill to be entitled an act to authorize the Ordinary of Marion county to pay over to E. H. Winn his poor school account for the year 1853; also, the Ordinaries of Talbot, Terrell and Clinch counties to pay certain accounts therein specific.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, the following bill of the House of Representatives:

A bill to be entitled an act to require the jailors of the several counties in this State to advertise runaway slaves in one of the public gazettes published at Milledgeville, in certain cases.

On motion, the same was postponed indefinitely.

The Senate took up the following resolution of the House of Representatives:

Whereas, The Senate and House of Representatives at the present session, have passed a bill for the pardon of Thomas C. Whitworth of the county of Chattooga, under sentence of death for the crime of murder, and whereas the said Thomas C. Whitworth desires to plead this bill so passed as aforesaid in the proper Court in his behalf,

Therefore be it ordered by the General Assembly, that the bill so passed as aforesaid be placed on file of the office of the Secretary of State, and that the Secretary of State do on the application of any person, prepare a copy of said bill so passed as aforesaid duly certified under his seal of office, and deliver such copy and certificate to any person applying for the same.

Mr. Hunt offered the following as an amendment:

Resolved by the Senate and House of Representatives, That the Secretary of the Senate be and he is hereby directed to furnish to the Secretary of State an exemplification from the Journals of the Senate touching the action of the Senate on the bill for the pardon of Thomas C. Whitworth of the county of Chattooga, now under the sentence of death for the crime of murder, as well as the Governor's veto message relating to the same, together with a copy of this resolution, and that the same thus furnished, be filed in the office of Secretary of State, which was agreed to.

On motion, the resolution as amended was then agreed to,

On motion, the Senate adjourned until 9 o'clock to-morrow morning.

, FRIDAY, DEC. 16TH, 1859.

9 O'CLOCK, A. M.

The Senate met according to adjournment.

Leave of absence was granted Messrs. Reid of Taliaferro, and Glover, on account of indisposition.

Leave of absence was granted Messrs. Dellaperriere, and Ivey, after 12 o'clock.

Mr. Jones moved to reconsider so much of the Journal of yesterday as relates to the vote by which a bill to be entitled an act to endow Florence E. Winn, a minor of Liberty county, Georgia, with all the rights and privileges of majority was passed, which was agreed to.

Mr. Cook moved to reconsider so much of the Journal of yesterday as relates to the vote by which a bill to be entitled an act to alter and amend the claim laws of this State, was indefinitely postponed, which was agreed to.

Mr. Briscoe from the committee on enrollment, reported as duly enrolled, and ready for the signature of the President of the Senate, and Speaker of the House of Representatives :

A resolution in relation to the pardoning of Wm. A. Choice.

The following Message was received from the House of Representatives, by Mr. Diamond their Clerk.

Mr. President: The House of Representatives have concurred in the Senate amendments to the following bills :

A bill to prevent the peddling of spirituous liquors in certain counties therein named.

A bill to change the line between the counties of Irwin and Coffee, and other counties therein named.

A bill to incorporate the Clayton High School, &c.

A bill to exempt from levy and sale certain property therein mentioned.

A bill to charter the Central Insurance Company in Georgia.

A bill to declare certain words slanderous, *per se*, &c.

They have also concurred in a resolution of the Senate, directing the Secretary of the Senate to furnish an exemplification of the Journals, of the action on the bill for the pardon of Wm. A. Choice, &c.

They have also agreed to a resolution allowing the Secretary of the Senate, and the Clerk of the House of Rep-

representatives four days in which to make out a certified copy of the action on the bills for the pardon of William A. Choice, and Thomas C. Whitworth.

The following message was received from the House of Representatives, by Mr. Diamond, their Clerk:

Mr. President: The House of Representatives have taken up and passed over the veto of the Executive by a Constitutional vote of 61 yeas and 28 nays the following bill of the House of Representatives.

A bill to compensate the Grand and Petit Jurors of the county of Dade, and to authorize the levying of a tax for the same.

Mr. Briscoe, from the committee on enrollment, reported as duly enrolled, and ready for the signature of the President of the Senate.

An act to authorize the Ordinary of DeKalb county to pay G. W. Latham for teaching poor children in said county

Also, an act to prescribe the mode of laying out private ways, and for other purposes.

Also, an act to amend an act to incorporate the Trustees of the Southern Botanic Medical College, and for other purposes.

Also an act to repeal an act of 1852 & '4, so far as the county of Decatur is concerned.

Also, an act to authorize the Governor of this State, to establish in this State in some accessible and convenient place, a State Foundry, and for other purposes.

Also an act compelling all non-residents of the counties of Wayne, Irwin, and Wilcox, owning, penning and grazing stock cattle in said counties, to return and pay tax on the same in said counties.

Also, an act to compensate the tax receiver of Marion county, for services rendered.

Also an act to incorporate the Ben Hill Academy, in Emanuel county, and to appoint Trustees for the same.

Also, an act to repeal an act consolidating the offices of Clerk of the Superior and Inferior Courts of Haralson county, and for other purposes.

Also an act to authorize the Inferior Court of Lumpkin county, to levy an extra tax, for certain purposes.

Also an act to incorporate the Atlanta Insurance and Stock Company

Also, an act to incorporate the Columbus and Whiteville Railroad Company

Also an act to provide for the payment of persons appointed by Judges of the Superior Courts of the counties of

Banks, Burke, Chatham, Columbia, Floyd, to take down testimony in the trial of criminal cases.

The following message was received from the House of Representatives, by Mr. Diamond, their Clerk :

Mr. President : The House of Representatives have passed the following bills of the Senate :

An act for the relief of Lemuel Webb, of the county of Early.

Also, an act to incorporate the Calhoun and Boone Rail Road Company, and to grant certain powers and privileges to said Company.

Also, an act to alter and amend an act to provide for the education of the children of this State, between certain ages, and to provide an annual sinking fund for the extinguishment of the public debt, assented to December 11th 1858.

The Senate took the special order, which was a bill of of the House of Representatives, to be entitled an act to provide for a call of a convention to reduce the members of the General Assembly of the State of Georgia, and for other purposes.

Mr. Harris of Worth raised a point of order, that the Senate could not constitutionally entertain this bill, as the same matter had been previously rejected by the Senate.

The President, Hon. Mr. Trippe, in the Chair, refused to decide the point of order, as it involved a constitutional question, and submitted to the Senate the question "can the Senate now entertain this bill?"

Upon which question the yeas and nays were required to be recorded, and were yeas 38, nays 44.

Those who voted in the affirmative were Messrs.

Alexander, Barrow, Bartlett, Billups, Bond, Cloud, Cook, Cowen, Crittenden, Flewellen, Gartrell, Hall, Head, Hill of Sumter, Holt, Hood, Johnson of Clayton, Johnson of Cass, Jones, Lamar, Lawton, Lenoir, McGehee, McLeod, Moore of Whitfield, Printup, Reid of Morgan, Sheppard, Smith of Talbot, Smith of Hancock, Sturges, Tarver, Tracy, Trippe, Wallace, Ward, Wellborn, Wells.

Those who voted in the negative were Messrs.

Allred, Atkinson, Barclay, Batts, Brown, Byars, Carter of Echols, Chester, Cooper, Cone, Davis, Delapierre, Denham, Grice, Griffin of Brooks, Griffin of Twiggs, Harris of Worth, Hightower, Hines, Hitchcock, Hutcheson, Hyde, Ivey, King, Lockhart, McRae, Oliver, Quillian, Reid of

Taliaferro, Riley, Robinson, Roberts, Rushin, Sawyer, Shelton, Shellnut, Summerour, Walker, Whitehurst, Whitworth, Williams of Berrien, Williams of Rabun, Wilson, Young.

So the Senate decided that it could not entertain the bill.

Mr. Paine, from the committee on enrollment, reported as duly enrolled, and ready for the signature of the President of the Senate.

An act to compensate the Sheriffs of Jefferson county for service of subpoenas on grand and petit jurors, and for other purposes.

Also an act to change the line between Baker and Early counties, and for other purposes.

Also an act for the election of county Treasurer, in the counties of Berrien, Newton, Baker, Forsyth, Hall, Lumpkin, Ware, Mitchell, Fannin. Wilcox, Johnson, and Marion.

Also, an act to authorize the Ordinaries of Whitfield, and Dade counties to pay teachers of poor children.

Also an act to incorporate the Georgia Internal Improvement Association.

Also, an act to amend and interpret an act for the relief of certain teachers of poor children, in Decatur county, and for other purposes.

Also, an act to compel Justices of the Peace in Rabun, Catoosa, Milton, Murray, and Whitfield, to give bond and security, and for other purposes.

Also, an act to consolidate and amend the several acts incorporating Cartersville, in Cass county.

Also, an act to explain the 10th section of the 10th division of the Penal Code of this State.

Also an act to make valid certain sales of real estate heretofore made by executors, administrators, and guardians, of this State.

Also, an act to alter and amend an act to submit the question of the removal of the county site of Montgomery county, to the voters of said county, and for other purposes.

Also an act to amend an act limiting the time in which suits in the courts of law in this State, must be brought, and for other purposes.

Also, an act to incorporate a corps of Infantry, in the town of Jonesboro, in Clayton county, to be known as the Clayton Volunteers, and for other purposes.

Also, an act to incorporate the town of Bainbridge, and for other purposes.

Also, an act to repeal so much of the first section of an

act to appoint county Treasurers, and to define their duties, so as relates to Forsyth, Newton, Hall, and Baker, and for other purposes therein named.

Also, an act to incorporate the town of Homer, in Banks county, and for other purposes.

Also an act to authorize the Ordinaries of DeKalb and Gwinnett counties to pay teachers of poor children, in said county, for the years 1857 & 8.

Also an act to amend the charter of the Ellijay Rail Road Company, and for other purposes.

Also an act to incorporate the town of Summerville, in Emanuel county, and for other purposes.

Also an act to repeal a part of the first section of the third article of the Constitution of this State, and for other purposes.

Also, an act to alter, amend, and define an act to provide for the education of the children of this State, between certain ages, so far as the same relates to Dade county, and for other purposes therein mentioned.

Also an act to allow the Ordinaries of Talbot, Newton, Cobb, Columbia, and Hart, to pay teachers for teaching poor children in said counties, and for other purposes.

Also an act amendatory of the act of 1857, to provide against the forfeiture of the several Bank charters in this State, for non-specie payment for a given time, and for other purposes.

Also, an act to authorize the Thomaston and Barnesville Railroad Company to construct and extend their Railroad to some point on the Muscogee Railroad, and for other purposes.

Also an act amendatory of an act of 1857, to provide against the forfeiture of the several bank charters of this State, on account of non-specie payment, and for other purposes.

Also an act to require the several treasurers of the several school districts of the counties of Lumpkin and Screven, to return the unexpended balances of the school fund now in their hands to the Ordinary of said counties.

Also an act to punish and define vagrancy in free persons of color, and for other purposes.

Also an act to recognize under certain circumstances, the boundary line between Florida and Georgia, and for other purposes.

Also an act to extend the corporate limits of the town of Hamilton, and for other purposes.

Also an act to prevent free persons of color, commonly known as free negroes, from being brought or coming into the State of Georgia.

The following message was received from His Excellency the Governor by Mr. Waters his Secretary, to wit :

Mr. President: I am directed by the Governor to return to this branch of the General Assembly in which it originated, a bill to incorporate a Bank, to be located in the city of Rome, and to be called the Bank of Rome, and to amend the charter of the Timber Cutter's Bank, accompanied by a communication in writing, in relation thereto.

The Senate took up as the report of the Committee of the Whole, the following bill of the House of Representatives:

A bill, to be entitled an act to incorporate a bridge across Flint River, in the first District of Pike county.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole,

A bill, to be entitled an act to reduce the Sheriff's bond of the county of Johnson.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole, the following bill of the House of Representatives:

A bill, to be entitled an act to compensate Managers of Elections, in Warren, Chatooga and Greene counties, and for other purposes.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole, the following bill of the House of Representatives:

A bill, to be entitled an act to relieve James R. Walker, of the county of Upson, from the disabilities of minority, and for other purposes.

The report was agreed to, the bill was read the third time and passed.

Mr. Briscoe, from the committee on Enrollment, reported as duly enrolled, signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate:

An act to empower the Justices of the Inferior Court, or a majority of them, in Wayne county, to levy an extra tax for county purposes.

Also an act to amend an act to incorporate the city of Greensboro, approved March 5th, 1856.

Also, an act to compensate William T. Williamson for recording the unfinished Journals of the House of Representatives, for the years 1851 and 1852.

Also, an act to consolidate the offices of Clerk of the Superior and Inferior Courts of the counties of Hall, Dade and White.

Also, an act to amend an act entitled an act authorizing the arrest by the Marshal of the village of Sparta, without warrant, assented to 11th December, 1858, so far as said act relates to the regulation of the liquor traffic in the county of Hancock.

Also an act to establish the county line between the counties of Montgomery and Tatnall; also, between Tatnall and Emanuel.

Also an act to fix and change the time of holding the Inferior Courts of the county of Randolph.

Also, an act to consolidate the offices of Clerk of the Superior and Inferior Courts of the county of Schley, and to reduce the bond of the Sheriff of said county.

Also an act for the relief of Joseph White, of the county of Jackson.

Also, an act for the relief of Andrew J. Lovelady, of the county of Pickens, and for other purposes.

Also, an act to authorize the Justices of the Inferior Court of Rabun county, to levy an extra tax, and for other purposes.

Also, an act to incorporate a Volunteer Corps of Infantry, in the town of Thomaston, Upson county, and to grant them certain privileges.

Also, an act to amend the charter of the McBean Company, granted February 11th, 1850.

Also, an act to incorporate the Georgia Baptist Bible and Colporteur Society.

Also, an act to authorize the Justices of the Inferior Court of Cobb county, to levy an extra tax for county purposes.

Also, an act to repeal the 7th and 9th sections of an act entitled an act to incorporate the village of Chickasaw hatchie, in formerly Lee, now Terrell county, and to add an additional section to said act, and for other purposes.

Also, an act to change the line between the counties of Irwin and Berrien.

Also, an act to increase the duties of the Comptroller General, and to provide compensation for the same.

Also, an act to amend an act to incorporate the Savannah Volunteer Guards of the city of Savannah, and Republican Blues, of Savannah, approved December 22nd, 1851.

Also, an act to confer certain powers upon the Judge of the city Courts of the city of Savannah, and to make valid the election of Solicitor General for the Eastern circuit of this State to take place on the first Monday in January 1860.

Also an act to protect the holders of bills of Exchange or Drafts drawn and accepted on account of shipments or

transfers of cotton and to punish those who fraudulently violate their contracts of acceptance or misapply the cotton received by them or its proceeds.

Also, an act to protect Religious Societies in the exercise of their religious duties, approved December 13th 1852.

Also, an act for the relief of Jabez M. White, of the county of Hancock.

Also, an act to amend the act incorporating the Madison Presbyterian Church, so far as relates to removing and filling vacancies of Trustees, assented to December 7th, 1841.

Also, an act to amend the second section of an act to provide against the forfeiture of the several Bank charters in this State, on account of non-specie payment, for a given time, and for other purposes therein named, passed 22nd December, 1857.

Also, an act for the encouragement of Fire Companies, in the city of Augusta, and to exempt certain members from Jury duty, and other purposes.

Also, an act to alter and amend the Road Laws of this State, so far as relates to the county of Lumpkin and Schley.

Also, an act to alter and amend the several acts in relation to Bibb County Academy, and to change the name of the same.

Also, an act to authorize the Ordinary of Henry county, to pay W. W. Campbell tuition money, for poor children, for the year 1857.

The Senate took up as the report of the committee of the whole, the following bill of the House of Representatives:

A bill, to be entitled an act to incorporate the Cherokee Manufacturing Company, located in Cherokee county, Georgia, and to define the rights, privileges and liabilities of the same.

The report was agreed to, the bill was read the third time and passed.

Mr. Paine, from the committee on enrollment, reported as duly enrolled, signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate.

A joint resolution, extending the time allowed for codifying the Laws of the State, and appointing a joint committee, to examine the said Code.

Also, a resolution in relation to the pardon of Thomas C. Whitworth, of the county of Chattooga, now under sentence of death for the crime of murder.

The Senate took up as the report of the committee of the whole, the following bill of the House of Representatives.

A bill; to be entitled an act to exempt negroes employed by contractors, in the construction of Rail Roads, from liability to work on Roads, on certain conditions.

The report was agreed to. The bill was read the third time and passed.

Mr. Biscoe, from the committee on Enrollment, reported as duly enrolled, signed by the the Speaker of the House of Representatives, and ready for the signature of the President of the Senate.

An act, to incorporate the Indian Creek Baptist Church, in the county of Franklin, and to appoint Trustees for the same.

Also, an act to authorize the Ordinary of Baldwin county, to pay over to S. M. Candler the sum of two hundred and three dollars ninety cents, for teaching poor children in said county; also, to authorize him to pay L. Carrington thirty-one dollars and sixty-six cents, balance due him for teaching poor children, in said county, for the year 1858.

Also, an act to erect the monument of Governor Jared Irwin, in the town of Sandersville.

Also, an act to amend the act of the 11th December, 1858, in relation to the return of Lottery Managers and Insurance Companies and Express Companies, doing business in this State, and to postpone the operation of an act entitled an act to regulate the agencies of Foreign Insurance Companies, and to provide for the appointment of an Insurance Commissioner, approved December 14th, 1859.

Also, an act for the relief of Mrs. Isabella Adams, of the county of Murray.

Also, an act to alter and amend an act passed on the 22d day of December, 1857, entitled an act to encourage persons making a will to provide a permanent fund for the Collegiate preparation and education of indigent boys and young men.

Also, an act to allow persons to make a return of their taxable property to the Clerk of the Superior Court, in certain cases, and for certain purposes therein mentioned.

Also, an act to incorporate Gordon Grove, Number one, (No. 1,) United Ancient Order of Druids, U. A. O. D. located and working in Savannah, the objects and principles of the Order being the diffusion of social and intellectual intercourse amongst members, and the establishment of a system of philanthropy, and for other purposes.

Also, an act to prevent the killing of deer in the county of Screven.

Also, an act to constitute the town of Cuthbert, Randolph county, a city, to grant certain privileges by election and other means.

Also, an act to incorporate a Volunteer Corps of Infantry, in the city of Greensboro, and also, a Volunteer Corps, in Covington, and in Monroe, in the county of Walton.

Also, an act for the relief of Francis Daniel, Sheriff, of the county of Dade.

Also, an act to incorporate the Macon Guards, to authorize the Governor to furnish them with arms and accoutrements, and to grant certain privileges and immunities to the same.

Also, an act to exempt from taxation one acre of land in the county of Montgomery, appropriated as the burial place of George M. Troup, deceased, and to constitute the Justices of the Inferior Court, Trustees for the protection thereof.

Also, an act to authorize the Justices of the Inferior Court of Gilmer county to levy and collect an extra tax for the purpose of paying the county debt.

Also, an act to alter and amend the third section of the second section of the second article of the Constitution of the State of Georgia, by striking out the word Monday, where it appears in each of said sections, and inserting in lieu thereof the word Wednesday, and inserting, also, in the said third section, the word House of Representatives to Congress, after Senate.

Also, an act to change the lines between the counties of Thomas and Mitchell, so as to include the residence of E. H. Taylor, of the county of Thomas within the county of Mitchell.

Also, An act to change the county line between the counties of Ware and Pierce.

Also, an act to incorporate the Quitman Guards and the Delhigh Rangers, and to grant them certain powers and privileges.

The Senate took up as the report of the committee of the whole, the following bill of the House of Representatives:

A bill, to be entitled an act for the relief of John A. Bartlette and Lucinda Ellis, of the county of Bibb, and to legalize their marriage.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, the following bill of the House of Representatives:

A bill, to be entitled an act to incorporate the Cotton Planters' Bank of LaGrange.

On motion, the same was laid on the table until next session.

Mr. Cone offered the following resolutions, which were taken up, read, and agreed to.

Resolved, That the Governor be, and he is hereby authorized to have all the useless articles sold that are now in the arsenal, at Milledgeville, and the nett proceeds paid into the Treasury.

And be it further Resolved, That the Governor be authorized to have all the guns and pistols now within the arsenal, with flint and steel locks, sold or exchanged for others of modern construction.

Mr. Sturges offered the following resolution, which was taken up, read and agreed to.

Resolved, That the President of the Senate be authorized to fill in vacation any vacancy occurring from any cause, in the committee appointed at this session to examine into the report of the Commissioners to codify the laws of Georgia.

The Senate took up the following bill of the Senate, which had been amended by the House of Representatives:

A bill, to be entitled an act to change the line between the counties of Madison and Jackson, between Floyd and Polk, between Macon and Taylor, between Wilcox and Pulaski, between Sumter and Macon, &c.

On motion, the Senate concurred in the third, fourth and sixth amendment, but refused to concur in the first, second, and fifth amendments of the House.

The Senate took up the following bill of the Senate, which had been amended by the House of Representatives:

A bill, to be entitled an act to amend an act of 1835, incorporating the town of Lafayette, of Walker county, and for other purposes.

On motion, the Senate concurred in the amendment.

The Senate took up the following bill of the Senate, which had been amended by the House of Representatives:

A bill, to be entitled an act to change the line between the counties of Campbell and Coweta, and between the counties of Taylor and Schley, and for other purposes.

On motion, the Senate concurred in the amendment.

The Senate took up the following bill of the Senate, which had been amended by the House of Representatives:

A bill, to be entitled an act to alter and amend the first section of the third article of the Constitution, at the place of setting of the Supreme Court of this State.

On motion, the Senate refused to concur in the House amendment.

The Senate took up the resolution amended by the House of Representatives, in reference to the appointment of Commissioners to go to Europe, to act in concert with the Commissioners appointed by the Cotton Planters' Convention.

Upon concurring in the first amendment, the yeas and nays were required to be recorded, and are yeas 42, nays 38.

Those who voted in the affirmative were Messrs :

Barrow, Bartlett, Billups, Boggs, Bond, Briscoe, Brown, Burnett, Byars, Carter of Echols, Cooper, Cook, Crittenden, Davis, Flewellen, Grice, Harris of Worth, Head, Johnson of Cass, Jones, Lamar, Lawton, Lenoir, Moore of Whitfield, Paine, Printup, Reid of Morgan, Reid of Taliaferro, Rushin, Sawyer, Shellnut, Smith of Hancock, Smith of Talbot, Summerour, Tarver, Tracy, Wallace, Ward, Wellborn, Whitehurst, Williams of Terrell, Wilson.

Those who voted in the negative were Messrs :

Alexander, Allred, Atkinson, Barclay, Batts, Chester, Cloud, Cone, Cowen, Delaperriere, Denham, Gartrell, Griffin of Brooks, Griffin of Twiggs, Hightower, Hill of Sumter, Hines, Hitchcock, Holt, Hood, Hutchins, Hyde, Ivey, Lockhart, McLeod, McRae, Oliver, Riley, Robinson, Sheppard, Sturges, Walker, Wells, Whitworth Williams of Berrien. Williams of Rabun, Young.

So the amendment was concurred in.

Upon concurring in the second amendmend, the yeas and nays were required to be recorded, and are yeas 24, nays 56.

Those who voted in the affirmative were Messrs.

Atkinson, Barrow, Bartlett, Billups, Boggs, Brown, Byars, Carter of Echols, Cooper, Flewellen, Grice, Head, Johnson of Cass, Jones, Lawton, Printup, Reid of Morgan, Reid of Taliaferro, Rushin, Smith of Hancock, Summerour, Wallace, Ward, Wilson,

Those who voted in the negative, were Messrs.

Alexander, Allred, Barclay, Batts, Bond, Briscoe, Burnett, Chester, Cloud, Cone, Cowen, Crittendon, Davis, Delaperriere, Denham, Gartrell, Griffin of Brooks, Griffin of Twiggs, Hall, Harris of Worth, Hightower, Hill of Sumter, Hines, Hitchcock, Holt, Hood, Hutchins, Hyde, Ivey, Johnson of Clayton, King, Lamar, Lenoir, Lockhart, McLeod, McRae, Moore of Whitfield, Oliver, Quillian, Riley, Robinson, Roberts, Sawyer, Shelton, Shellnut, Sheppard, Smith of Talbot, Sturges, Tarver, Tracy, Trippe, Walker, Wellborn, Wells, Whitehurst, Whitworth, Williams of Berrien, Williams of Rabun, Young.

So the Senate refused to concur in the amendment.

The Senate took up as the report of the committee of the Whole, the following bill of the House of Representatives:

A bill, to be entitled an act to incorporate the Marietta Paper Mill Company, and for other purposes.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, the following bill of the House of Representatives:

A bill, to be entitled an act to incorporate the Calhoun and Ellijay Turnpike Company, and to confer certain powers and privileges upon the same.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the Committee of the Whole, the following bill of the House of Representatives:

A bill, to be entitled an act to provide for the payment of officers presiding at the polls, on elections hereafter to be held in Taliaferro county, and for other purposes therein mentioned.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the Committee of the Whole, the following bill of the House of Representative.

A bill to be entitled an act to reduce work on roads in the county of Johnson.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole, the following bill of the House of Representatives:

A bill to be entitled an act to prevent the shooting, netting or hunting of Partridges. Doves, Snipes, Turkeys, Ducks or other game Birds in Richmond county within certain times, and for other purposes,

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole, the following bill of the House of Representatives:

A bill to be entitled an act to incorporate the Middle Georgia Telegraph Company; also, to change the name of the Dalton and Gadsden Railroad company to the Dalton and Jacksonville Railroad Company, &c.

The report was agreed to, the Bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act to extend the time for the

Cherokee Volunteers to present their claims under the provisions of an act approved March 3d. 1856, and to authorize the payment of claims for rations and forage furnished to Captain Witcher's Company in 1838.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the Committee of the whole, the following bill of the House of Representatives.

A bill to be entitled an act to amend an act approved on the 4th March, 1856, incorporating the Bank of Sparta, to confer certain privileges upon the corporators therein named, and for other purposes.

Mr. Smith of Hancock moved to amend the report by adding the following section to the bill :

Be it further enacted, That nothing in this act shall be construed as to deprive the General Assembly of the power to impose such tax upon the property and capital stock of said Sparta Branch Railroad Company as may be imposed upon the property and stock of any other Company in this State.

The report as amended was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the Committee of the whole, the following bill of the House of Representatives:
A bill to be entitled an act to authorize the Mayor and Council of the city of LaGrange to levy an extra tax, and for other purposes.

The report was agreed to, the bill was read the third time and passed.

On motion the rules of the Senate were suspended and Mr. Lenoir offered the following Resolution, which was read and agreed to.

Whereas, the Senate and House of Representatives of the present Session have passed a bill for the pardon of John Fundy of the county of Gwinnett under sentence of death for the crime of murder : and whereas the said John Fundy desiring to plead the bill so passed as aforesaid in the proper Court in his behalf.

Therefore be it Ordered by the General Assembly, That the bill so passed as aforesaid be placed of file in the office of the Secretary of State : also, the veto message of the Governor in reference to said bill, and all other papers necessary for a full and fair hearing in said Court, and that the Secretary of State do on the application of any person prepare a copy of said bill and other papers aforesaid mentioned, duly certified under his seal of office, and deliver such copy or copies, &c., to any person, applying for the same, for the purpose of using said copy or copies in said Court.

On motion of Mr. Cone, the following communication in

writing from his Excellency the Governor was taken up and read :

EXECUTIVE DEPARTMENT, }
Milledgeville, Dec. 16th, 1859. }

To the Senate :

I return without approval the bill entitled "an act to incorporate a Bank to be located in the city of Rome, to be called the Bank of Rome, and to amend the charter of the Timber Cutters Bank."

It is proposed by this bill to charter the Bank of Rome for thirty-five years from the first day of May next; with a capital stock of \$200,000, which by a vote of the stockholders may be increased to \$500,000, with authority to issue, and circulate bills so soon as \$100,000 of the capital stock shall have been *paid in* in gold and silver, or in the notes of solvent specie paying banks.

The bill further enacts that the debts due by said Bank (except for deposits) shall at no time exceed three times the amount of the capital actually *paid in*. It does not say three times the amount of gold and silver, or even of bank bills, in the vaults of the Bank, at the time the indebtedness is incurred, but only three times the amount of capital stock *paid in*. Under this charter the stockholders would be authorized to organize, and pay in \$100,000 of the bills of some other Bank, without a dollar of gold or silver, and so soon as this \$100,000 of the bills or notes of some other Bank was *paid in*, they would be authorized to issue and circulate as money \$300,000, of their own bills or notes, and to go in debt as much as possible for deposits beyond that amount, and to continue this speculation for thirty-five years. The proposed charter does not say that when the \$100,000 of bank bills have been *paid in*, it shall be kept in the Bank, toward meeting this large indebtedness; but the managers may *pay it in* to secure the right to issue the \$300,000 of bills, and to receive deposits, and the next day *may take it out* if they will, and use it in some other speculation, and may have the \$300,000 in circulation without a dollar of gold or silver, or of the bills of any other bank, on hand, with which to redeem their bills; and if any one complains they may point to the language of their charter as their legal authority for this transaction.

This would be a handsome speculation so long as the community would be content with *promises to pay*, but so soon as a run of a few thousand dollars should be made upon the Bank, for the redemption of its bills, it might break, and the bill holders would then be left to their remedy at the end of a long and uncertain litigation with the stockholders.

This bill therefore offers no guaranty that the bills of the

Bank would be a safe circulating medium, at all times convertible into gold or silver, upon presentation or demand.

I do not deem it necessary to point out other objections to this charter, or to enter into a discussion of questions of public policy connected with it, as I trust I have already shown, that a charter which authorizes a Bank to engage in banking upon the bills of another Bank, to the extent authorized in this charter, affords no sufficient protection to the bill holders, and ought not to be granted.

JOSEPH E. BROWN.

The Senate took up as the report of the committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act to allow and authorize the Justices of the Peace in the city of Augusta, to hold their Courts at any place they may designate, in said city, and for other purposes.

The report was agreed to the bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act for the relief of Johnson P. Wellborn of the county of Union.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the Committee of the whole, the following bill of the House of Representatives.

A bill to be entitled an act to compensate James Hamilton, for services rendered this State as Commissioner and Surveyor in 1856.

Mr. Holt, moved to amend the report by striking out all after the enacting clause and inserting in lieu thereof the following, "that his Excellency the Governor be and he is hereby requested to investigate the claims of James Hamilton, Esq., for certain surveys and services rendered during the administration of Gov. Johnson in the city of Columbus, and that having ascertained the value thereof, he draw his warrant on the Treasury in payment therefor in no event to exceed the sum asked, to-wit : \$250.

The Senate took up as the report of the Committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act to legalize the marriage of John G. McMichael with Elizabeth Ethridge, and to exempt them from the penalties of the law for this marrying, the report was agreed to.

On motion the same was indefinitely postponed.

The Senate took up as the report of the committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act for the relief of M. C. Goodwyn of the county of Pike.

The report was agreed to, the bill was read the third time and lost.

The Senate took up as the report of the Committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act to provide for the registry of votes in the city of Augusta, and to extend the powers of the recorder of said city in relation to free negroes, and for other purposes.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act to incorporate the town of Powder Springs, the Powder Springs High School in the county of Cobb, the Trenton Cumberland Presbyterian Church, in the county of Dade, and to incorporate the village of Bottsford in the county of Sumter, &c.

Mr. Gartrell, moved to amend the report by striking out the words "one mile" in the second section of the bill and inserting the words "half mile."

The report as amended was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the Committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act to alter and amend an act to provide for the education of the children of this State, between certain ages, and to provide an annual sinking fund for the extinguishment of the public debt, so far as relates to the county of Rabun.

On motion the same was postponed indefinitely.

The Senate took up as the report of the committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act to authorize the Ordinary of DeKalb county, to pay over to W. A. Stansell the sum of three hundred and forty-eight dollars and ninety cents, for teaching poor children in said county for the years 1855 and 1856.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the

Whole, the following bill of the House of Representatives.

A bill to be entitled an act to incorporate the Culverton Academy in Hancock county, also, to incorporate the Union Male and Female Academy of Greene county.

Mr. Ward, moved to amend the report by striking out all that relates to Union Academy and alter the caption, which was agreed to.

The report as amended was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the Committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act to appropriate one hundred and forty dollars to the county of Dawson, to supply the deficit in the school fund for the year 1858, and to compel the school commissioners of Franklin and Habersham, to pay arrearages due teachers of poor children for the year 1858, out of the school fund for 1859, before paying teachers for 1859.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act to alter and amend the law of descendants in cases of persons who are illegitimate or born out of lawful wedlock dying intestate.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act to discharge William Rogers of the county of Milton. from the trusteeship of the property of Mrs. Ann C. Lenoir and her children, and to vest said trusteeship in John W. Lenoir the husband of said Ann C. Lenoir and father of said children, and for other purposes.

On motion the same was indefinitely postponed.

The Senate took up as the report of the committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act to exempt from taxation certain persons, and for other purposes.

On motion the same was postponed indefinitely.

The Senate took up as the report of the Committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act to provide for the proper dis-

tribution of the common school fund in the county of Lumpkin, and to provide for the teachers of poor children in Rabun county for 1859.

On motion the same was postponed indefinitely.

The Senate took as the report of the committee of the whole, the following bill of the House of Representatives.

A bill to be entitled an act to regulate the testimony of parties in Justices Courts.

On motion the same was postponed indefinitely.

The Senate took up, as the report of the Committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act to provide for the issuing of summary and compulsory process for witnesses in all criminal causes in this State, upon the conditions therein named.

On motion the same was postponed indefinitely.

The Senate took up as the report of the committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act to authorize the Ordinary of Habersham and White counties, to pay off all accounts for teaching the poor children previous to the year 1859.

The report was agreed to, the bill was read the third time and passed.

The Senate took up, as the report of the Committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act to authorize the Justices of the Inferior Court of Muscogee county, or a majority of to levy an extra tax for certain purposes therein mentioned.

The report was agreed to, and the bill was read a third time and passed.

The Senate took up as the report of the committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act to make the Ordinary of Jasper county, ex-officio school commissioner to require bond of him as such, to prescribe his duties to otherwise, the Grand Jury of said county to levy an extra tax, for school purposes, &c.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act to endow Florence E. Winn a minor of Liberty county, Georgia, with all the rights and privileges of majority.

Mr. Boggs, offered a substitute for the foregoing, which was adopted.

The report as amended was agreed to, the Bill was read the third time and passed.

The Senate took up as the report of the committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act to provide for the payment of teachers of poor children in the county of Hall.

On motion the same was laid on the table.

The Senate took up as the report of the committee of the Whole, the following bill of the House of Representatives.

A bill to be entitled an act to regulate manufacturers of this State, and for other purposes.

On motion the same was indefinitely postponed.

The Senate took up as the report of the committee of the whole, the following bill of the House of Representatives.

A bill to be entitled an act to alter and amend an act entitled an act, to alter and amend the 15th section of the 14th division of the Penal Code, approved March 5th, 1856.

On motion the same was postponed indefinitely.

Mr. McGehee moved to reconsider so much of the journal of the day as relates to the vote by which the Senate decided that the bill of the House of Representatives to provide for the call of a Convention to reduce the members of the General Assembly, could not be entertained.

Mr. Harris of Worth raised a point of order that the Senate could not entertain the motion as the bill had been reconsidered once.

The President sustained the point of order, an appeal being taken upon the question, "shall the decision of the chair stand as the judgment of the Senate, the yeas and nays were recorded, and were yeas 43, nays 37.

Those who voted in the affirmative were Messrs :

Allred, Atkinson, Batts, Boggs, Brown, Burnett, Byars, Carter, Echols, Cooper, Cone, Cowen, Crittenden, Davis, Denham, Grice, Griffin of Brooks, Griffin of Talzgs, Harris of Worth, Hightower, Hines, Huttlekins, Hyde, Ivey, Jamison, Lockhart, McRea, Quillian, Riley, Robinson, Roberts, Rushin, Sawyer, Shelton, Sellmunt, Sheppard, Summerour, Walker, Whitehurst, Whitworth, Williams of Berrien, Williams of Rabun, Wilson, Yoak.

Those who voted in the negative were Messrs :

Alexander, Barrow, Bartlett, Billups, Bend, Briscoe,

Cloud, Cook, Flewellen, Gartrell, Hall, Head, Holt, Hord, Johnson of Cass, Jones, Lawton, Lenoir, McGehee, McLeod, Moore of Whitfield, Oliver, Printup, Reid of Morgan, Smith of Hancock, Smith of Talbot, Sturges, Tarver, Trippe, Wallace, Ward, Wellborn.

So the decision of the Chair was ordered to stand as the judgment of the Senate.

The following message was received from the House of Representatives by Mr. Hillyer, their clerk.

Mr. President: The House of Representatives has elected as their Clerk George Hillyer, of the county of Walton, to fill the vacancy occasioned by the resignation of their late Clerk James J. Diamond, Esq.

Mr. Holt offered the following Resolution, which was taken up, read and agreed to, unanimously.

Resolved, That the Hon. L. T. Guerry, President of the Senate, is entitled to, and is hereby tendered, the unanimous thanks of this body, for the ability, impartiality and promptitude with which he has discharged the arduous and responsible duties of his position.

Resolved, That we shall cherish the remembrance of the kindly and courteous relations existing between him and the members of this body, and that we anticipate with pleasure their renewal at the next Session, when we hope to meet him in health and happiness, and for the honor and benefit of our noble and beloved State.

Mr. Paine offered the following Resolution, which was taken up, read and agreed to.

Resolved, by the Senate, That his Excellency, the Governor be requested to have reported to this branch of the General Assembly, at its next Session, the amount of bonds of file in the Executive Department, and the Comptroller General's Office, given by officers of Volunteer Corps for the return of arms, drawn by said officers, from the arsenals of the State, that he be requested to report the names of the principals and securities of said bonds, with the amount of each bond, with its date—and the amount of arms drawn by said officers by virtue of said bonds.

Mr. McGehee offered the following Resolution :

Resolved, That the thanks of the Senate are hereby tendered to the President pro tem, Hon. T. W. Miller, with the assurance that he has the deep sympathy of the Senate, in his severe and protracted afflictions.

Which was unanimously agreed to.

Mr. Harris of Worth offered the following Resolution.

That the thanks of the Senate be and they are hereby tendered to Frederick H. West, Secretary, and James A. Pringle, assistant Secretary, for the efficient and worthy manner in which they have discharged the onerous duties of the present Session.

Mr. Gartrell offered the following :

Whereas, The the select committee appointed to report upon the apportionment of the Representatives employed Richard V. Jones, as clerk, to make out a table containing the white, colored, and total population of this State, and also the Representative population :

Resolved, That said Richard V. Jones be allowed twelve dollars as Clerk hire, for two days, and that the auditory committee audit the same, and that it be placed upon the President of the Senate's Warrant.

Which was agreed to.

Mr. Harris of Worth offered the following Resolution, which was taken up, read and agreed to.

Resolved, That the thanks of the Senate be tendered to Thomas W. J. Hill, Journalizing Clerk of the Senate, for the faithful discharge of his laborious duties.

Mr. Oliver offered the following resolution :

Resolved, That the thanks of the Senate are due, and are hereby tendered to Messrs. Brewster and McCravey, Messenger and Door Keeper, for the faithful and efficient discharge of their respective duties during the present Session.

Which was agreed to.

Mr. Paine offered the following resolution :

Resolved, That the Thanks of the Senators be tendered to A. E. Marshall, Robert Grant, S. A. Atkinson, C. D. Campbell, and Henry Cleveland, reporters for the Senate, for the faithful manner in which they have performed their duties.

Which was agreed to.

The Senate took up a resolution of the House of Representatives, in relation to allowing the Secretary of the Senate, and Clerk of the House of Representatives, four days each, after the adjournment of the General Assembly, to make out and file in the office of Secretary of State, a full and complete transcript from the Journal of the Sen-

ate and House of Representatives, upon the bills for the pardon of Wm. A. Choice, and Thomas C. Whitworth.

Which was concurred in.

The Senate took up a Resolution of the House of Representatives in relation to instructions of Senators in Congress, and requesting our Representatives to use their influence to procure a two horse hack line from Ellijay via Jasper, Pickens county, to Ball Ground, and other places therein mentioned.

Mr. Tracy moved to amend the same by striking out the word "instructed."

The Resolution as amended was concurred in.

The Senate took up a Resolution of the House of Representatives, authorizing John W. Lewis, Superintendent of the Western & Atlantic Railroad, to retain in his hands, the sum of three hundred dollars, and for other purposes therein mentioned.

On motion the same was concurred in.

The Senate took up a Resolution of the House of Representatives, relative to erecting a monument to General James Oglethorpe.

On motion the same was postponed indefinitely.

Mr. Paine, from the Committee on Enrollment, reported as duly enrolled, signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate.

An act to alter and change the name and style of the Mechanic's Savings Bank, to the corporate name and style of the Farmers and Mechanic's Bank, and for other purposes.

Also an act to amend the charter of the American Atlantic Screw Steamship Company, granted 19th December 1857, and to allow an increase of the capital of the said Company, and to incorporate the National Steamship Company of the State of Georgia.

Also, an act to fix the pay of the Guard of the State Penitentiary for the future.

Also, an act to prevent the peddling of spirituous liquors in Greene county, and other counties in this State.

Also an act to incorporate a Volunteer Corps of Artillery in the town of Athens, and to grant certain privileges.

Also an act to apportion the Representatives among the several counties of this State, according to the requirements of the Constitution.

Also an act to alter and amend the Road Laws of this State, so far as relates the county of Quitman, and others therein mentioned.

Also an act to incorporate the Mutual Building and Loan Association, of Columbus, and the Phoenix Loan and Building Association, in the city of Atlanta.

Also, an act to authorize the Ordinary of Marion county, to pay E. H. Winn, his poor school account for the year 1853.

Also the Ordinary of Talbot, Terrell, and Clinch counties to pay certain accounts therein specified.

Also an act to authorize Whitmill Horne, of the county of Bibb, to practice, and to charge and collect compensation for the same.

Also, an act to prevent free negroes and slaves from keeping eating tables, and from living separate and apart from their owners, hirers, or guardians, and to prevent their trafficking and trading in the town of Crawfordsville, and the town of Warrenton, in this State, and to prescribe punishment for the same, and for other purposes.

Also an act to alter and amend an act to define and establish the fees of Ordinaries, Clerks of the Superior and Inferior Courts, Sheriffs, Jailors, Justices of the Peace, and constables, of this State, and for other purposes, so far as relates to the fees of Sheriff's in the counties of Cas, Dade, and Chattooga.

Also an act to incorporate the South Western Magnetic Telegraph Company, and for other purposes.

Also an act to add lot of land number three hundred and forty-five, in the thirteenth district of Thomas county to the county of Colquitt.

Also an act for the relief of John T. Martin, of the county of Hancock.

Also, an act to incorporate the City Gas Light Company, in Augusta, Georgia.

Also, an act for the relief of Charles S. Oliver, and Charles J. Oliver, of Clarke county.

Mr. Jones offered the following Resolution.

Resolved, That a committee of two be appointed by the President of the Senate, to co-operate with such committee as may be appointed by the House of Representatives, and that such committee wait on his Excellency the Governor, and inform him that both Houses are ready to adjourn sine die, and respectfully request of him information as to whether he has any communication to make to either House.

Which was agreed to.

The President appointed as said committee on the part of the Senate, Messrs. Jones and Flewellen.

On motion the Senate adjourned until 3 o'clock, P. M.

3 O'CLOCK, P. M.

The Senate met according to adjournment.

The Senate took up a resolution of the House of Representatives relative to submitting the abolition of the Supreme Court to the Convention of the people to meet in Milledgeville next year.

On motion, the same was indefinitely postponed.

The following Message was received from the House of Representatives by Mr. Hillyer, their Clerk :

Mr. President : The House of Representatives has concurred in the amendments of the Senate to the following bills of the House, to wit :

A bill to amend the Judiciary act of Georgia so far as relates to the county of McIntosh, and to require Magistrates in this State to consolidate suits brought at the same term between the same parties if the aggregate do not exceed fifty dollars.

Also, an act to declare the law in regard to deeds to land made during adverse possession.

They have receded from those of their amendments to the bill to change the lines between the counties of Madison and Jackson, and between certain other counties therein mentioned in which the Senate refused to concur.

They have receded from their amendment to the bill to alter and amend the first section of the third article of the Constitution of this State, as to the place or places of the sitting of the Supreme Court.

The House refused to recede from its amendment to the bill to repeal the 5th section of an act to change the time of holding the Superior Courts of the county of Lumpkin, and for other purposes.

The House refuses to concur in the first of the Senate's amendments to the bill to incorporate the town of Fort Gaines in the county of Clay to define its limits, and for other purposes, but the House has concurred in the second of the Senate's amendments to the same bill.

They have concurred in the amendments of the resolution in relation to the pardon of Thomas C. Whitworth.

They have passed the resolution of the Senate in relation to the sale of certain old arms and accoutrements in the arsenals of this State.

They have also passed a series of resolutions in relation to the political affairs of the country in which they ask the concurrence of this branch of the General Assembly

The following Message was received from His Excellency, the Governor, by Mr. Campbell, his Secretary, to-wit :

Mr. President :—The Governor has signed the following act, to-wit :

An act to recognize under certain circumstances, the boundary line between the States of Georgia and Florida, as the permanent boundary, affirming titles to land on either side of the line ; and directing criminal prosecutions in Georgia to be *nolle prosequi*.

Mr. Paine, from the Committee on Enrollment, reported as duly enrolled and ready for the signature of the President of the Senate :

An act to change the line between the counties of Taylor and Schley.

Also, an act for the relief of Lemuel Webb of Early county.

Also, an act to incorporate the Calhoun and Rome Railroad Company, and to grant certain powers and privileges to said Company.

Also, an act to amend an act of 1835, incorporating the town of Lafayette in Walker county, and to extend the provisions of an act to grant certain privileges and powers to the Griffin Light Guards in the city of Griffin, Spalding county, and other companies herein named, assented to December 22d, 1851, to the Cuthbert Rifles, a military company in the city of Cuthbert, and for other purposes.

Also, an act to alter and amend an act entitled an act to provide for the education of the children of this State between certain ages, and to provide an annual sinking fund for the extinguishment of the public debt, assented to Dec. 11th, 1855.

Also, a resolution in relation to the pardon of William A. Choise, requiring a transcript from the journals of the Senate to be filed in the office of the Secretary of State.

The following Message was received from the House of Representatives by Mr. Hillyer, their Clerk :

Mr. President : The House of Representatives have concurred in the resolution of the Senate appointing a Committee of both Houses to wait on His Excellency the Governor and know if he has any other communications to make to the General Assembly, and have appointed as such committee, Colver, Price, and Fannin of Morgan.

The Senate took up the following bill of the Senate which had been amended by the House of Representatives :

A bill to be entitled an act to repeal the 5th section of an act to change and fix the time of holding the Superior Courts of the county of Lumpkin, and for other purposes.

On motion, the amendment was concurred in.

On motion, the Senate took up the following act which

had been returned by His Excellency the Governor without his signature to wit:

An act to compensate the grand and petit jurors of the counties of Dougherty, Paulding, Terrell, Merriwether, and for other purposes.

Upon the question "shall this bill now pass by a constitutional majority over the veto of His Excellency the Governor?" the yeas and nays were recorded, and were yeas 51, nays 20.

Those who voted in the affirmative were Messrs:

Alexander, Allred, Bartlett, Bond, Briscoe, Brown, Burnett, Carter of Echols, Chester, Cloud, Cook, Cowen, Crittenden, Davis, Denham, Flewellen, Gartrell, Griffin of Brooks, Hall, Head, Hill of Sumter, Hines, Holt, Hood, Hutchins, Ivey, Jamison, Lawton, McGehee, McLeod, McRae, Paine, Printup, Quillian, Reid of Morgan, Riley, Robinson, Roberts, Rushin, Sawyer, Smith of Hancock, Smith of Talbot, Summerour, Tarver, Tracy, Trippe, Wallace, Ward, Wells, Whitehurst, Whitworth.

Those who voted in the negative were Messrs:

Batts, Byars, Cooper, Cone, Griffin of Twiggs, Harris of Worth, Hyde, Johnson of Cass, Lamar, Lenoir, Lockhart, Moore of Whitfield, Oliver, Sheppard, Sturges, Walker, Wellborn, Williams of Berrien, Williams of Rabun, Wilson, Young.

So the bill was passed by a constitutional majority over the veto of His Excellency the Governor.

The following message was received from the House of Representatives by Mr. Hillyer, their Clerk:

Mr. President:—The House of Representatives recedes from their amendment to the resolutions appointing Commissioners to Europe, &c., and concur in the amendments of the Senate to the bill incorporating the Culverton Academy of Hancock county, and the bill to amend the act incorporating the Bank of Sparta, &c.

The Senate took up the following act which had been returned by His Excellency the Governor without his signature, to wit:

An act to compensate the grand and petit jurors of Dade county, and for other purposes.

Upon the question shall this bill now pass by a constitutional majority over the veto of His Excellency the Governor, the yeas and nays were recorded, and were yeas 49, nays 22.

Those who voted in the affirmative, were Messrs :

Alexander, Allred, Bartlett, Bond, Briscoe, Brown, Burnett, Byars, Carter of Echols, Chester, Clond, Cook, Crittenden, Davis, Denham, Flewellen, Gartrell, Griffin of Brooks, Hall, Head, Hines, Holt, Hood, Hyde, Ivey, Jamison, Lawton, McGehee, McLeod, McRae, Paine, Printup, Quillian, Reid of Morgan, Riley, Robinson, Roberts, Rushin, Sawyer, Shellnut, Smith of Hancock, Smith of Talbot, Tarver, Tracy, Trippe, Ward, Wells, Whitehurst, Whitworth.

Those who voted in the negative were Messrs.

Cooper, Cone, Cowen, Griffin of Twiggs, Hightower, Hutchins, Johnson of Cass, Jones, Lamar, Lenoir, Lockhart, Moore of Whitfield, Sheppard, Sturges, Walker, Wallace, Wellborn, Williams of Berrien, Williams of Rabun, Wilson, Young.

So the bill was passed by a constitutional majority over the veto of His Excellency the Governor.

Mr. Paine, from the committee on enrollment reported as duly enrolled and signed by the Speaker of the House of Representatives, ready for the signature of the President of the Senate:

An act to change the lines between the counties of Irwin and Coffee, and also, between the counties of Taylor and Schley.

Also an act to relieve James R. Walker of the the county of Upson from the disabilities of minority and for other purposes therein mentioned.

Also an act to amend the fifth section of an act passed on the 27th January, 1852, entitled an act to prevent fraud in elections in this State, and to detect and punish the same.

Also, an act to amend an an act approved 20th March, 1854, in relation to patrols and for other purposes, so far as relates to the county of Richmond,

Also, an act to incorporate Clayton High School and Union Male and Female Academy of the county of Greene.

Also an act to incorporate the Cherokee Manufacturing Company located in Cherokee county Georgia, and to define the rights privileges and liabilities of the same.

Also, an act to incorporate a Volunteer Company in the town of Fort Gaines, and also, the Lincoln Volunteers and confer certain privileges herein granted.

Also, an act to declare certain words slanderous and actionable *per se*, and for other purposes.

Also, on act to incorporate a medical College in the city of Griffin, to be called the Middle Georgia Medical College.

Also, an act for the relief of Johnson P. Wellborn of the county of Union.

Also, an act to compensate managers of elections in Warren, Chattooga and Greene counties, and for other purposes.

Also, an act to change the county lines between the counties of Milton and DeKalb, and Milton and Gwinnett, and define the line between the counties of Early and Miller.

Also, an act to incorporate a bridge across the Flint river in the Flint district of Pike county.

Also, an act to authorize the Ordinary of Habersham and White counties to pay off all accounts for teaching the poor children previous to the year 1859.

Also, an act to authorize the Ordinary of DeKalb county to pay over to William A. Stansel the sum of three hundred and forty-eight dollars and ninety cents for teaching poor children in said county for the year 1855 and 1856.

Also, an act to repeal the first, second and third sections of an act to prescribe certain rules and regulations to be observed by the several Railroad Companies in running Engines upon their respective tracks, and annex a penalty for the violation of the same. Approved, January, 22d, 1852, and to substitute two sections in lieu of said second and third sections.

Also, an act to allow the Justices of the Inferior Court of Dawson county to levy and collect a poor tax for said county not to exceed twenty-five per cent on the general tax.

Also, an act to incorporate Clayton High School and Union Male and Female Academy of the county of Greene.

Also, an act to reduce the work on roads in the county of Johnson.

Also, an act to authorize His Excellency the Governor to investigate the claim of James Hamilton, Esq., for services rendered this State, and if just, to compensate him for the same.

Also, an act to allow and authorize the Justices of the Peace in the city of Augusta to hold their Courts at any place they may designate in said city and to increase their jurisdiction and for other purposes.

The Senate took up a resolution of the House of Representatives relative to the salary of the United States Circuit Judge.

On motion the same was concurred in.

The Senate took up a resolution of the House, relating to a tri-weekly mail line from Dahlonega by the way of Cleveland and other places therein mentioned.

On motion the same was concurred in.

The following Message was received from the House of Representatives by Mr. Hillyer, their Clerk:

Mr. President:—The House of Representatives have appointed a Committee on their part to confer with a similar committee of the Senate, in reference to the bill incorpor-

ating the town of Fort Gaines in Clay county—Committee consists of Cullens, Lester and Brown of Sumter.

The following message was received from the House of Representatives by Mr. Hillyer their Clerk.

Mr. President—The House of Representatives have passed by a constitutional majority of seventy-eight yeas to twelve nays over the veto of the Executive—a bill to compensate the Grand and Petit Jurors of the counties of Dougherty, Paulding, Terrell and Meriwether, and Petit Jurors of the counties of Marion and Putnam, and provide for the same.

Mr. Moore of Whitfield, from the committee on Enrollment, reported as duly enrolled signed by the Speaker of the House of Representatives and ready for the signature of the President of the Senate.

An act to appropriate one hundred and forty dollars to the county of Dawson to supply the deficit in the school fund for the year 1858, and for other purposes therein mentioned.

Also, an act to reduce the Sheriffs bond of the county of Johnson.

Also, an act to exempt negroes employed by contractors in the construction of Railroads from liability to work on roads on certain conditions.

Also, an act to authorize the Justices of the Inferior Court of Muscogee county, or a majority of them to levy an extra for a certain purpose herein mentioned.

Also, an act to incorporate the Calhoun and Ellijay Turnpike Company, and to confer certain powers and privileges upon the same.

Also, an act to provide for the payment of officers presiding at the polls in elections hereafter to be held in Taliaferro county, and for other purposes therein mentioned.

Also, an act to charter the Central Insurance Company of Georgia, and to confer on said Company certain rights, powers and privileges, also to require the Agents of Life Insurance Companies to make annual returns and pay taxes and for other purposes.

Also, an act to authorize a Chairman and Commissioners the town of Louisville, to tax free persons of color, retailers of spirituous liquors, billiard tables, ten pin allies, showmen, itinerant traders, hawkers, peddlers, &c.

Also, a resolution relative to William A. Choice and Thomas C. Whitworth.

Also, a resolution in relation to certain mail lines &c.

Also, an act to amend an act to provide for the registry of votes &c., in the city of Augusta, approved February 15th, 1856, and to extend the powers of the recorder of said city in relation to free negroes, and for other purposes.

The Senate took up a resolution of the House of Representatives, in relation to protecting the slave holding States, on motion the same was concurred in.

The Senate took up a resolution of the House of Representatives, relative to authorizing the Governor to employ some fit person to look up all State papers and file them away.

On motion the same was postponed indefinitely.

Mr. Paine, from the committee on enrolment, reported as duly enrolled, and signed by the Speaker of the House of Representatives, and ready for the signature of the President of the Senate :

An act to incorporate Culverton Academy in Hancock county, and to appoint trustees for the same, and for other purposes.

Also, an act to extend the time for the Cherokee Volunteers to present their claims under the provisions of an act approved March 3d, 1856, and to authorize the payment of claims for rations and forage furnished to Captain Wilcher's Company in 1836.

Also, a resolution in relation to the pardon of John Fundy, now under sentence of death in Gwinnett county.

Also, an act to make the Ordinary of Jasper county ex-officio a school commissioner to require bond of him, as such, to prescribe his duties, to authorize the Grand Jury of said county to levy an extra tax for school purposes, and for other purposes.

Also, an act to declare the law in regard to deeds to land made during adverse possession.

Also, to incorporate the Marietta Paper Mill Company, and for other purposes.

Also, a resolution in relation to the pardon of Thomas C. Whitworth, now under sentence of death in the county of Chattooga.

Also, an act to authorize Thomas W. Fleming Guardian of Florence E. Winn, and certain persons therein named.

The Senate took up a resolution relative to furnishing Clayton county, with the necessary compliment of the statute, which was concurred in.

The Senate took up a resolution of the House relative to furnishing members of the General Assembly with the acts and journals, which was concurred in.

Also, a resolution in relation to penoning the soldiers of 1812, on motion the same was laid on table for the present.

Mr. Paine, from the committee on enrollment reported as duly enrolled and signed by the President of the Senate, the following acts and resolutions :

An act to repeal the 5th section of an act to fix the time of holding the Superior Courts of the county of Lumpkin, and for other purposes.

Also, an act to change the line between the counties of Madison and Jackson, and for other purposes.

Also, an act to alter and amend the first section of the third article of the Constitution.

Also, a resolution to inform the Governor that the Legislature is ready to adjourn.

Also, a resolution authorizing the useless arms, &c

The Senate took up a resolution of the House of Representatives, authorizing His Excellency the Governor to furnish the first eight volumes of the Supreme Court divisions, to the Clerk of the Superior Court of the county of Dade, and concurred therein.

Also, a resolution instructing our Senators and Representatives in Congress, to use their efforts to establish a tri-weekly mail line from Dublin to Taylorsville in Laurens county, and concurred therein.

Also, a resolution requesting our Senators and Representatives in Congress, to use their efforts to have a law passed to pension soldiers of 1812 and 1813.

The Senate took up a resolution of the House of Representatives, in relation to instructing our Senators and Representatives in Congress in reference to changing the mail route from Cumming to Dahlonega, so as to run through Dawsonville, on motion the same was concurred in.

The Senate took up a resolution of the House of Representatives in relation to establishing certain mail routes in this State.

On motion, the same was concurred in.

Also a resolution, authorizing the Governor to appoint a Commissioner, consisting of five competent persons to prepare a Military Code, &c., which was concurred in.

Also, a resolution instructing our Senators and Representatives in Congress to use their efforts in establishing a mail route from Albany and other places, which was concurred in.

Also a resolution, authorizing the Governor to appoint some fit and proper person to look up all State papers, &c.

On motion the same was postponed indefinitely.

Also, a resolution requesting our Senators and Representatives to use their influence to have a mail route, established from Hawkinsville and other places, which was concurred in.

Mr. Paine, from the committee on Enrollment, reports as duly enrolled, and ready for the signature of the Speaker of the House, and President of the Senate,

An act to amend the Judiciary act of Georgia, so far as relates to McIntosh county.

Mr. Paine, from the committee on Enrollment, reports as duly enrolled, and ready for the signature of the President of the Senate.

An act to alter and amend the law of descendants, in cases of persons who are illegitimate, or born out of lawful wedlock, dying intestate.

Also, an act to amend an act, approved 4th March, 1856, incorporating the Bank of Sparta, to confer certain privileges upon the incorporators therein named, and to provide for the construction of a Railroad from Sparta to Tennille, or any other point on the Central Railroad.

Also, an act to incorporate the town of Powder Springs, the Powder Springs High School, in the county of Cobb, the Trenton Cumberland Presbyterian Church, in the county of Dade, and to incorporate the village of Bottsford, in the county of Sumter, and for other purposes.

Mr. Holt offered the following resolution, which was taken up and read :

Whereas, The General Assembly has, during the present session, passed an act to re-organize the Deaf and Dumb Asylum, and elect by joint ballot, the Superintendent of said Asylum, and

Whereas, the act thus passed, has been submitted to the Governor, and not returned, so that said election cannot be made during the present session, and

Whereas, A. F. Dunlap is now Superintendent of said Asylum, and there are charges against him which do not entitle him to the confidence of the people of Georgia,

Be it therefore Resolved, That he remains in said office upon the responsibility of the Governor, and not of this General Assembly, and that he is so retained upon the failure of the Governor to return said act, so that he could have been removed by the General Assembly at its present session.

On motion the same was postponed indefinitely.

The Senate took up a resolution of the House, authorizing the Governor to confer with the Governors of the several Southern States, &c., which was concurred in.

Mr. Cone offered the following resolution, which was agreed to :

Resolved, That the Secretary of the Senate inform the House of Representatives that the Senate is now ready to adjourn *sine die*.

The following Message was received from the House of Representatives, by Mr. Hillyer, their Clerk :

Mr. President : I am directed by the House of Representatives, to inform the Senate, that they have completed their business of the present session of the General Assembly of the State of Georgia, and are ready to adjourn *sine die*.

On motion of Mr. Cone, the Senate then adjourned *sine die*.

I N D E X .

A.

ATKINSON, HON. A. S.,	
From the county of Camden,	4 43 113 121 132 140 281
ALEXANDER, HON. S. F.	
From the county of DeKalb,	4 186 232 473
ALLRED, HON. E. W.	
From the county of Pickens,	5 97 239 255 351 428 442 495
ABSENCE,	
Leave granted	
Mr. Miller	60
“ Tarver,	60
“ Bartlett,	60
“ Robinson	69
“ Jordan	69
“ Wells	77
“ Harvin	90
“ Griffin of Twiggs	90
“ Holt	90
“ Trippe	90
“ Cook	90
“ McGehee	90
“ Hackett	90
“ Glover	90
“ Lenoir	90
“ Maples	90
“ Printup	90
“ Head	96
“ Kirby	96
“ Hill of Sumter	96
“ Crittenden	96
“ Johnson of Clayton	125
“ Walker	125
“ Williams of Terrell	131
“ Turner	131
“ Hill of Troup	131
“ Ward	131
“ Alexander	131
“ Wellborn	131
“ Reid of Taliaferro	131

ABSENCE.—Leave granted—*Continued.*

Mr. Cooper	131
“ Gartrell	132
“ Brown	132
“ Collier	132
“ Smith of Talbot	140
“ White	140
“ Wynne	144
“ Johnston	144
“ Cloud	144
“ Batts	144
“ Hood	144
“ Tarver	144
“ Snell	144
“ Hines	165
“ Harris of Dougherty	185
“ Fulton	185
“ Johnson of Clayton	185
“ Griffin of Twiggs	185
“ Sawyer	185
“ Head	185
“ Glover	185
“ Sturges	194
“ Whitehurst	194
“ Reid of Morgan	194
“ Cook	194
“ Holt	194
“ Maddox	194
“ Trippe	194
“ Tillman	204
“ Hall	208
“ Spalding	217
“ Barrow	217
“ Lamar	232
“ Ware	237
“ Lenoir	237
“ Moore of Laurens	249
“ Maples	291
“ Kirby	291
“ Griffin of Twiggs	291
“ Walker	291
“ Matthews	309
“ Pruitt	325
“ Maddox	355
“ Johnson of Casz	355
“ Trippe	355
“ Maples	373
“ Spalding	373
“ Wellborn	373
“ Hitchcock	382

ABSENCE,—Leave granted—*Continued.*

“ Merrill	382
“ Hill of Troup	382
“ Kirby	406
“ Usry	406
“ Cloud	406
“ Jordan	406
“ Donaldson	406
“ Sirman	406
“ Tilman	406
“ Turner	306
“ Harvin	417
“ Griffin of Twiggs	417
“ Cook	417
“ Sweat	417
“ Lott	427
“ Griffin of Twiggs	427
“ Whitehurst	427
“ Ritch	427
“ Harris of Dougherty	443
“ Poole	443
“ Fulton	443
“ Miller	459
“ Stowers	464
“ Cannon	477
“ Green	477
“ Carter of Elbert	477
“ White	477
“ Wynne	478
“ Snell	553
“ Reid of Taliaferro	580
“ Delaperriere	580
“ Ivey	580

ADJOURNMENT—FINAL, 612

ASYLUMS,

Augusta Orphan	43 73 143
Deaf and Dumb	280 318

ARBITRATION,

Amend Act of 1856	55 74 89 126 174
-------------------	------------------

ADMINISTRATORS AND EXECUTORS,

Adm'rs of H. Snelling and Jesse Story	51 74 92
“ A. M. Hamilton's estate	60 75 175 321
“ Estate of J. Young, sr,	62 82 112 246
Make valid certain sales by	66 105 347 450
Estate of Toliver Jones	78 114 272
A. E. Roberts, to confer powers on	81 111 273
Of Coleman S. Pringle	128 139 354
Adm'rs of J. F. Billingslea	132 202 368

AGRICULTURAL SOCIETIES,

Of Clark county	51 75 96
Report from Com.	466 467 468 469

ATTORNEY AND SOLICITORS GENERAL,

Regulate fees of	52 74 88 211
Fees to county purposes	54 71 211
Fees in Peace Warrants	79 116 349
To provide for payment of	132 201 387

ATLANTA,

City Council to take charge of grounds	52 72 94
--	----------

ACTS

Amend Act Feb. 20, 1854	106 201 398
“ Act relative to levy and sale	136 462
“ Act Dec. 13, 1858	198, 274 277 431
Repeal Act 1858, as applies to Emanuel	203 274 431
“ Act 1853, relative to Decatur	232 276 446

B.

BRISCOE, Hon. L. H.

from the county of Baldwin,	4, 52, 82, 127, 262, 269, 273, 302, 324, 426, 440, 471, 475
-----------------------------	--

BYARS, Hon. H. N.

from the county of Butts,	4, 135, 183, 408, 571
---------------------------	-----------------------

BILLUPS, Hon. JOHN,

from the county of Clark,	4, 51, 76, 84, 87, 96, 123, 124, 125, 131, 140, 172, 189, 190, 360, 566
---------------------------	---

BURNETT, Hon. S. P

from the county of Clay,	4, 52, 110, 166, 291, 321, 474, 543, 573
--------------------------	---

BROWN, Hon. W. F.

from the county of Dooly,	4, 52, 64, 134, 417, 525
---------------------------	--------------------------

BARTLETT, HON. G. T.

from the county of Jasper,	3, 146, 206, 222, 288, 291, 370, 399, 415, 427, 455, 472, 495, 575
----------------------------	--

BATTIS, HON. JOHN

from the county of Lee,	5
-------------------------	---

BOGGS, HON. Z. L.

from the county of Liberty,	5, 132, 599
-----------------------------	-------------

BARROW, HON. D. C.

from the county of Oglethorpe,	5, 144, 165
--------------------------------	-------------

BARCLAY, HON. E. S.

from the county of Union,	6, 51, 62, 85. 132, 139, 258, 306, 318, 345
---------------------------	--

BOND, HON. J. M.

from the county of Walker,	6, 145, 232
----------------------------	-------------

BREWSTER, V. A.	
elected Messenger,	7
BANKS AND BANKING.	
Bills refered to Bank Committee	71
To incorporate Bank of Rome,	11, 71, 192
Extend charter of Planters,	98 118, 191, 192
Change name of Planters and Mechanic's,	99, 115, 307
Railroad City Bank	133, 203, 401
Amend act (Timber Cutter's)	167 192, 228 477
Bank of Fulton,	196, 228, 424
Bank in Marietta,	204, 277
Amend act of 1857,	267, 277, 424
BARCLAY,	
Margaret Marshall,	56, 73, 173, 187, 209
BOAT NAVIGATION,	
On Savannah above Augusta	98, 118, 365
Alabama Planters	129, 227, 409
BRIDGES, FERRIES, &c.,	
Across Flint river in Decatur,	166, 227, 404
BILLS SIGNED BY THE GOVERNOR,	
	89, 174, 185, 195, 203, 209, 307,
	320, 353, 385, 470, 479, 480, 511,
	512, 520, 537, 538, 541, 558, 559,
	568, 605
C.	
CONE, HON. PETER	
From the county of Bulloch,	3 7 9 40 45 48 49 60
	61 70 88 92 108 118
	125 130 166 182 188
	216 217 258 308 319
	362 418 422 440 452
	507 547 566 589 593
	612
CHESTER, HON. WILLIAM.	
From the county of Decatur,	4 97 166 232 446
CARTER, HON. JAMES	
From the county of Echols,	4 76 133
CARTER, HON. J. M.	
From the county of Elbert,	4 62 135
COLLIER, HON. JOHN	
From the county of Fulton,	4 42 80 91 97 108 112
	130 133 166 185 191
	196 204 268 214 223
	232 239 241 251 285
	341 343 348 354 360
	382 383 404 403 405
	415 455 479 507 508
	513 516 553

CLOUD, HON. A. J.

From the county of Henry, 5 204 232 261 372

COOK, HON. P.

From the county of Macon, 5 62 121 133 145 183
247 254 257 300 324
366 386 455 565 580

COWEN, HON. F. M.

From the county of Milton, 5 146 206 394

CRITTENDEN, HON. C. D.

From the county of Schley, 6 52 145 206 392

COOPER, HON. W. C.

From the county of Screven, 6 46 62 460

CANNON, HON. H. A.

From the county of Wayne, 6 52 64 78 84 98 125
174 190 223 247 449
451 465

COMMITTEES,

To notify president elect, 6
To notify Governor of organization, 7
On revision of rules, 8
Relative to Senatus Academicus, 40 46
On arrangements for inauguration, 41
Joint committee (Governor,) 42 43 44
Standing committees, 67 68 69
On ~~Geological~~ Survey, 83
Joint com's. of Senate and House, 86
Com. on consolidation, 84 104 118 190
Referred to com. on Agriculture, 88 504
Com. on Thanksgiving, 93 125
Joint com. on Asylum and Penitentiary, 103
Com. on new counties, 106 118 253 270
Special committee, 110 112
On public Education, 117 127
On Banks, 118 384
Select, 118
On application of Physicians, 121
Joint com. on Census Returns, 130
Com. on bill to alter Constitution, 174
Com. on Armory, &c. 190
Com. on Banks (report,) 223
Com. on Deaf and Dumb, 280
Com. on apportionment of rep's. 305
Com. on extending session, 343 358 359 360

COMMISSIONERS TO FLORIDA,

Col. C. D. Campbell appointed, 309
Correspondence on boundary, 309 310 311 312 313
314 315 316 317
To examine deeds to land, &c., 448 464

CHURCHES AND CAMP GROUNDS

First Presbyterian of Augusta,	43 72 112
First Presbyterian in Perry,	65 107 161 299
Presbyterian in Columbus,	132 202 371
House of Israel in Macon.	140 226 392
Chichero Baptist,	161 227 391

CORONERS

To compensate,	204 274 429
----------------	-------------

SUPERIOR COURTS

Change time of holding in Lowndes,	
Brooks and Thomas,	8 42 47 451
Relative to Clerks Superior Courts	
giving bond,	43 72 88 186
Carroll, to legalize,	56 74 95
Change in Wilcox and others,	57 74 109 291 465
Change in Terrell,	60 75
Judges to alternate,	63 83
Judges calling dockets, &c.,	66 105 347
Jurisdiction in suits against R. R. Co's.	77 105 324
Change time, holding in Pierce,	97 115 290
Declare duties of,	98 117 364
Fix time in Heard, Carroll and others,	136 196 211 355
Prevent delay in trials of causes &c.,	147 401
Consolidating Clerk Superior and In-	
ferior Courts,	169 226 408
Adjournment of Quitman S. C.,	183 227 408
Limiting time as to suits brought,	188 226 427 450
Repeal act in regard to Haralson,	204 274 429
Change time in Lumpkin,	206 274 444
Clerks to appoint Deputies,	233 275

COURTS, INFERIOR,

In Telfair, certain power,	57 73 110 138 175
In Early to levy road tax,	99 115 324
Change in Heard,	136
Change in Gordon,	137 214 392
Change in Emanuel,	203 274 431
In Glascock, appoint school Com'rs.	207 275 439
In Wilcox county,	400

COURT, SUPREME

Two concurrent opinions, &c.,	136 216 398
Alter law relative to,	136 216 399

COUNTIES, NEW

From Polk Floyd and others,	81 118 138 253 272
From Decatur,	128 139 187 368 396
From Carroll and Campbell,	134 215 270 369
From Marion and Sumter,	146 230 253 392
Columbia and others,	172 230 253 406
Chattooga and Walker,	278

COUNTIES AND COUNTY LINES

Early and Calhoun,	40 71 96 108
Early and Clay,	52 72 88 187 209 464
Dougherty and Worth,	54
Floyd and Polk,	58 71 221 253
Hall and Banks,	58 73 176 221
Elbert and Hart,	62 83 96 112
Sumter and Macon,	63 82 253
Ware and Pierce,	63 82 253
Jackson and Madison,	63 106 138 253
Wilcox and Pulaski,	65 107 253
Merriwether and Coweta,	77 107 253
Habersham and White,	78 118 138 253
Baker and Calhoun,	78 114 134 138 213 394
Macon and Taylor,	79 114 253
Remove county site, Lowndes,	85 132 144
Lowndes and Brooks,	85 132 144
Remove county site of Clinch,	99 115 271 355
Union and Fannin,	132 203 253
Dooly and Macon,	133 202
Newton and Walton,	134 202 432
Ware and Charlton,	134 215 253 370
Elbert and Madison,	135 201 430
Henry and Clayton,	135 161 215 230 253 371 461
Worth and Colquitt,	136 215 253 369
Early county,	137 369
County line of Schley,	146 230 253 394
Fayette and Clayton,	150 161 215
Baker and Early,	160 227 390 506
Whitfield and Catoosa,	167 226 405
Haralson and Carroll,	169 230
Butts and Henry,	183 228 422
County site of Banks,	195 228 424
Offices in Emanuel at county site,	203 274 431
DeKalb and Henry,	204 274 430
Talbot and Merriwether,	204 276 432
Dougherty and Worth,	204 276 431
Laurens and Johnson,	207 276 439
County site of Montgomery,	234 277 448
Coweta and Campbell,	234 278 447
Twiggs and Jones,	246 275 448

CONSTITUTION

Repeal 4th and 7th sec. 1st art.,	51 74 88 123 131 174
Amend 2d sec. 1st article,	65 106 318
Amend act, carrying into effect 6th art.,	77 105 349
Alter 1st sec. 3d article,	136 216
Amend 11th sec. 3d article,	167 230 420
Repeal part of 1st sec. 3d article,	188 230 426
Alter and amend 1st sec. 3d article,	188 426
Add to 24th sec. 1st article,	207 276

CONGRESSIONAL DISTRICTS	
To alter 3d, 4th, 6th and 7th,	167 225 477
COMPTROLLER GENERAL	
P. Thweat elected,	49
CLAIM LAWS	
To amend,	55 70 396
To amend,	118 418
D.	
DAVIS, HON. R. H.	
From the county of Dade	4 536
DENHAM, HON. D. D.	
From the county of Fayette	4 63 146 150 176 255 428
DELAPIERRE, HON. A.	
From the county of Jackson	5 52 138
DONALDSON, HON. JOHN	
From the county of Pierce	5 63 97 204 290
DEBT.	
Repeal act of '58	57 75 109
Repeal act of 1858	78 116 351
Add a proviso to act of '58	97 117
DIVORCE.	
To alter law of	64 105 223
To amend act of 1806	77 105 349
Repeal 8th section Divorce Laws	128 139 386
DISCOVERIES.	
Repeal 5th section, compel at common law	99 115 364
DEEDS.	
Amend act of '56, relative to	132 202 387
E.	
EVANS, HON. C. A.	
From the county of Stewart	6 44 46 62 63 100 143 166 207 221 232 305 428 541 554
ENROLLMENT.	
Report from Committee on	48 77 79 90 104 129 141 151 165 172 176 177 179 194 209 212 224 245 255 280 282 283 307 322 343 358 362 364 366 397 400 406 433 434 437 439 443 454 459 462 465 466 476 499 500 505 506 509 510 521 542 543 545 549 557 563 565 567 580 581 583 585 587 588 602 605 607 609 610 611 612

ELECTIONS.

To change general	42 72 88 186 192
Of Judges Supreme Court	80
Bill to elect Judges, Solicitors, &c., by the Legislature	81 114 349
Fix time of Judges, Solicitors, &c.	98 116
Of President pro tem	108
Of Codifiers	162

EDUCATION.

Amend act '58—(Hall county)	57 72 110
Suspend part of act of '58, (Greene county)	81 117 273
Define term "Elementary Branches," in act of '58.	99 117 366
Repeal 2nd section act of, (Echols)	133
Amend act relative to Milton county	146 227 394
Amend and define act relative to Murray county	161 227 391 505
Commissioners to decide qualifications of Teachers	167 201 410
Interpret act of March 5th, 1856	168 226 410
Amend act so far as relates to Fannin	172 228 410
Alter and amend act of 1858	186 276 368 427
Bill from Committee	223 454

EVIDENCE.

Admission of	132 202 387
Defendants at Common Law, &c	133 203 397

EJECTMENT.

Amend and enlarge consent rules	147
---------------------------------	-----

F.

FULTON, HON. M. C.

From the county of Columbia	4 40 42 44, 44 48 69 77 78 103 103 127 134 144 186 223 233 236 247 281 388 427 445 451
-----------------------------	--

FLEWELLEN, HON. E. A.

From the county of Upson	6 146 394 395
--------------------------	---------------

FUGITIVES.

Arrest and rendition of	43 71 126 142 387
-------------------------	-------------------

FUND, SCHOOL

Of Habersham county	44 72 93
Of Gilmer county	99 116 309 465

FISH.

Prohibit poisoning in Irwin	60 75 112
-----------------------------	-----------

FRAUDS, &c.

To amend Statute of	65 105 302
---------------------	------------

FINANCE.

Committee on, &c. 71 85 92 118 145

FI FAS,

Facilitate collection of 133 202 397

FOUNDRY AND ARMORY.

Governor to establish 233 277 445

G.

GRIFFIN, HON. S.

from the county of Brooks, 3, 167, 536.

GARTRELL, HON. J. O.

from the county of Cobb, 4 54 63 97 204 213 233 235
358 393 407 421 472 473 496
496 518 537 597 601

GREENE, HON. A. H.

from the county of Haralson, 5 135 166 204

GLOVER, HON. N. S.

from the county of Jones, 5

GUERRY, HON. T. L.

from the county of Quitman, 6 183 391 392 428 600

GRIFFIN, HON. E. S.

from the county of Twiggs, 6 67 135 246

GOVERNOR,

Annual Message from, 9 to 40

Counting vote for, 41

Inauguration of, 45

GUARDIANS,

of insane persons, 51 71 96 108

of M. W. Harvey, 207 276 444

GRICE, HON. MR.,

from Tattnall county, 204

GENERAL ASSEMBLY,

Convention of, 223 277 452 477 554

GAMING,

To prevent, (by cards) 52 74 90

GREEN, CHARLES

Confer certain privileges on, 168 228 406

HART, HON. O. W.

from the county of Bryan, 3 18 299 382 384

HARVIN, HON. W. E.

from the county of Calhoun, 4 134 167 394

HIGHTOWER, HON. T. J.

from the county of Cherokee, 4 97 234

HACKETT, HON. A. T.

from the county of Catoosa, 4 57 77 167 195 218 231 221
334 345

HARRIS, HON. A. E.

from the county of Dougherty, 4 51 103 125 127 128 164
165 172 254 257 288 397
433.

HARRIS, JOHN. W. A.

from the county of Worth, 6 6 7 45 54 60 60 61 75 80
 87 131 134 136 147 167 204
 222 257 289 300 320 333 365
 383 402 423 434 437 443 458
 459 462 464 473 495 501 513
 530 541 582 599 601

HINES, HON. T. R.

from the county of Effingham, 4

HYDE, HON. J. D.

from the county of Fannin, 4 55 128 172 352 356 469 541

HUTCHINS, HON. A. G.

from the county of Forsyth, 4 57 168 190

HOOD, HON. E. C.

From the county of Harris, 5 78 233 371 380 381 455 496
 500 517

HITCHCOCK, HON. R. E.

from the county of Madison, 5 63 98 135

HALL, HON. GEORGE A.

from the county of Meriwether, 5 50 54 67 77 80 81 83
 87 135 143 147 193 204
 218 272 319 362 401

HOLT, HON. JAMES

from the county of Muscogee, 5 40 49 55 60 76 77 83 86
 92 112 125 126 130 132
 140 145 147 188 213 257
 257 259 300 319 341 342
 343 348 356 381 383 402
 423 449 456 462 471 513
 519 528 536 575 579 600
 612

HEAD, HON. JAS. L.

from the county of Pike, 5 128 147

HILL, HON. R. J.

from the county of Sumter, 6 135 168 344 370

HILL HON. B. H.

from the county of Truop, 7 48 51 62 63 77 98 104 117
 125 258 327 333 351 353 389
 391

HILL HON. L. M.

from the county of Wilkes, 7 63 77 168 190 240

HOUSE BILLS

First reading 101 102 103 177 177 178 179
 181 182 203 231 291 292 293
 294 295 296 297 298 299 306
 376 377 378 410 411 415 489
 490 491 492 493 494 531

Second reading	119 120 185 199 200 201 229 231 246 278 279 280 291 335 336 337 338 339 340 341 373 374 375 412 413 414 458 494 495 501 531 532 533 534 535
Third reading	162 163 164 165 176 190 208 241 242 243 244 246 251 280 300 327 354 355 366 378 379 380 381 382 384 395 415 416 417 459 471 477 477 478 479 480 481 482 483 484 485 486 487 488 489 501 506 507 508 513 514 515 516 517 519 523 524 525 528 529 530 541 543 546 547 551 555 556 557 559 560 561 566 568 569 571 572 573 575 576 577 578 579 582 587 589 591 593 595 596 598

HOOR OF MEETING,

66 69 84 185 232

HEAD RIGHTS,

Amend relative to Franklin,	148 225 390
-----------------------------	-------------

HABEAS CORPUS,

Amend law	171 425
-----------	---------

HILLYER, GEO. S.

Pro tem Clerk of House,	212
-------------------------	-----

I.

IVEY, HON. BURRELL,

From the country of Habersham	5 43 78
-------------------------------	---------

INSURANCE COMPANIES,

Regulate foreign Agencies	44 71 302
---------------------------	-----------

Georgia Insurance Company	55 73 95 344
---------------------------	--------------

Atlanta Mutual and Stock Company	166 226 496
----------------------------------	-------------

Pulaski Insurance Company	168 228 409
---------------------------	-------------

INTERROGATORIES,

To compensate for taking	51 74 90 186 210
--------------------------	------------------

In case State vs. R. Clewis	251 277 447
-----------------------------	-------------

INDEFINITE POSTPONMENT,

91

INTERNAL IMPROVEMENTS,

Bills referred to Committee on	106 118 344 386
--------------------------------	-----------------

Report from Committee	127 151 to 160 169
-----------------------	--------------------

Ga. Internal Improvement Association	207 277 446
--------------------------------------	-------------

ILLEGITIMATES,

Amend Law of Descent	169 422
----------------------	---------

J.

JOHNSTON, HON. MARK

From the county of Cass 4 213 233 332

JOHNSON, HON. J. F.

From the county of Clayton 4 55 64 72 78 96 98 101
 108 133 134 135 138 150
 161 187 188 196 210 218
 250 253 319 333 344 371
 383 423 437 438 456 476
 495 541

JONES, HON. T. F.

From the county of Newton, 5 301 356 360 388 410
 480 603

JORDAN, HON. G. W.

From the county of Pulaski, 6 66 134 147 168 246 255
 291 357 400 410 417 528

JAMISON, HON. S. Y.

From the county of Towns, 6 78 430

JUDICIARY,

To amend and explain 29th section of

Act 1812 42 71 126 142 387

To amend Act (Trustees) 55 74 89 186 209

Amendatory of 53 70 211

Bills referred to Committee on 70 88 89 90 104 112 113
 116 139 202 215 244 245
 278 280 318 341

Report from Committee 96 125 186 197 286 287 288 395

Amend Act, (Justices Court) 136 215 400

Amend 33d section Act of 1799 207 276

JOHNSON, HON. W. S.

From the county of Chattahoochee, 45 55 61 64 306
 329

JURORS,

To compensate in Dougherty 54 75 92 145 223

“ “ Marion 58 73 222

“ “ Paulding 60 75 223

“ “ Putnam 59 75 223

“ “ Merriwether 82 75 223

“ “ Terrell 100 118 223

“ “ Early 137 214 223 369

“ “ Mitchell 195 227 424

Repeal Law in Lumpkin 203 274 430

JURIES,

To allow interest, &c. 55 70 97 109

To assess damages, &c. 56 70 97 109

To revise Jury system 66 105 187 319

Exempt Physicians from duty 78 114 34~

Secret Prosecutors to endorse &c. 136 215 407

Exempt Physicians in Jefferson 234 275 447

JUDGMENT,	
Limit lien of	557 70
JUSTICES COURTS,	
Jurisdiction in actions, &c.	77 105 349
JUDICIAL CIRCUITS,	
Create Atlanta	80 105 348
" Oconee	136 216 399
KIRBY, HON. F. A.	
From the county of Chattooga	4 55 169 353
KING, HON. T. BUTLER	
From the county of Willynn	4 5 70 80 151 173 183 245 306 386 396 536
LAMAR, HON. G. D.	
From the county of Baker	3 78 216 356
LAWTON, HON. A. R.	
From the county of Chatham	4 56 64 87 98 112 132 142 168 183 186 196 196 197 233 251 256 257 283 285 325 371 395 416 420 460 473 474 481 486 489 516 524 551 574
LOTT, HON. MARK,	
From the county of Coffee	4 188 428
LENOIR, HON. M. L.	
From the county of Gwinnett	5 98 168 205 215 233 302 472 570 593
LOCKHART, HON. E.	
From the county of Lincoln	5 56 345
LAND	
Pay tax on uncultivated	64 107 239 462
No 142 in Pierce county	204 274 429
LIEN,	
Give to Stone and Marble Cutters	97 115 350
Lien on sawed lumber	276 440
LICENSE, MARRIAGE,	
Regulate issuing of	98 117 351
LIQUORS,	
Regulate sale of in Elberton	135 102 368
" " Americus	168 228 409
Regulate retail of	204 276 429
LUNATIC ASYLUM.	
Mr. Wellborn added to Committee	103
Senators added to Committee	111 182
Report Joint Committee	331
LOAN ASSOCIATIONS,	
Savannah Mutual	142 226 392
LAW,	
Certain person to practice	147

M.

MATTOX, HON. P. W. W

From the county of Charlton

4 61 78 134 168

MERRILL, HON. H. F.

From the county of Carroll

4 5 78 81 128 147 169
20 393 407

MORRIS, HON. THOS.

From the county of Franklin

4 42 56 79 144 174
182 185 211 254 272
300 308 357 316 987
388 437

McGEHEE, HON. E. J.

From the county of Houston

5 40 44 49 57 61 65 69
78 93 94 138 138 139
148 161 183 195 208
332 443 462 464 465
469 473 478 542 599
600

McREA, HON. JOHN

From the county of Montgomery

5 149 206 234 400

MAPLES, HON. I.

From the county of Mitchell

5 195 424

MILLER, HON. T. W

From the county of Richmond

68 42 43 47 48 98 105
108 114 126 133 435 140

MATHEWS, HON. A. B.

From the county of Spalding

6 56 233 234 472 568

McDUFFIE, HON. N.

From the county of Wilcox

6 58 65 169 234 306 400

McCRAVEY, D. S.—Elected Door Keeper

7

MOORE, HON. W. R.

From the county of Whitfield

7 65 79 99 136 148
205 222 247 318 320
344 350 408

MESSAGES.

From Executive

9 40 79 89 110 148 184 185 186
195 198 208 216 217 264 304 307
320 225 343 353 257 285 470 479
501 511 519 537 541 551 558 564
568 585 605

MESSAGES.

From House of Representatives

41 42 42 44 45 61 65
71 79 82 86 90 92 100 104 108 111 125
129 133 141 145 146 148 150 162 164 167
170 184 194 196 198 201 205 211 212 219
231 238 241 248 249 252 260 262 269 281
283 303 308 321 324 329 348 350 357 372
385 398 411 414 419 135 440 449 457 460
465 471 476 479 497 499 504 512 520 525
527 528 539 550 556 562 564 569 570 581
582 600 604 605 606 608 609

